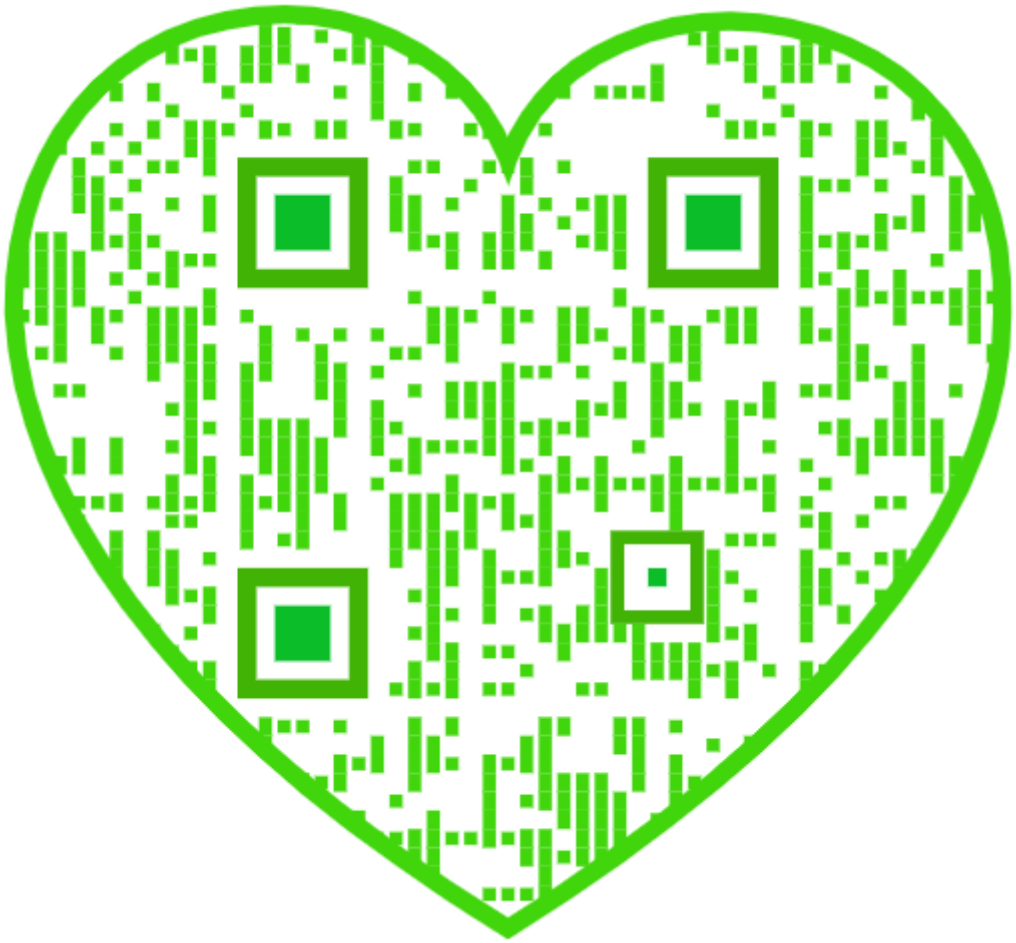
CIVICS



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I BELIEVE in the UNITED STATES OF AMERICA as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect union, one and inseparable; established upon those principles of Freedom, Equality, Justice, and Humanity for which American patriots sacrificed their lives and fortunes.

I THEREFORE believe it is my duty to my country to love it; to support its CONSTITUTION; to obey its laws; to respect its FLAG; and to defend it against all enemies.

AUTHORIZED VERSION.

1

2

3

GOVERNMENT BUILDINGS

1. National 2. State 3. County

CALIFORNIA STATE SERIES

CIVICS

THE COMMUNITY AND THE CITIZEN

BY

ARTHUR WILLIAM DUNN

REVISED BY THE STATE TEXT-BOOK COMMITTEE
AND APPROVED BY
THE STATE BOARD OF EDUCATION

"Not bad — purty good,
When I's understood."

SACRAMENTO
ROBERT L. TELFER, SUPT. STATE PRINTING.

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8th Ed.—10,000 —1920

PREFACE

THE justification and aim of the present book may be stated in the following words from Professor Dewey's "Ethical Principles Underlying Education": "The social work of the school is often limited to training for citizenship, and citizenship is then interpreted in a narrow sense as meaning capacity to vote intelligently, a disposition to obey laws, etc. . . . The child is to be not only a voter and a subject of law; he is also to be a member of a family. . . . He is to be a worker, engaged in some occupation which will be of use to society and which will maintain his own independence and self-respect. He is to be a member of some particular neighborhood and community, and must contribute to the decencies and graces of civilization wherever he is. . . . To suppose . . . that a good citizen is anything more than a thoroughly efficient and serviceable member of society . . . is a cramped superstition which it is hoped may soon disappear from educational discussion. . . . Training for citizenship is formal and nominal unless it develops the power of observation, analysis, and inference with respect to what makes up a social situation and the agencies through which it is modified."

The book is a departure from the traditional methods of presenting the subject of civics to young people. It has not been customary to differentiate between civics and civil government. The writer believes that such a differentiation may be made, and that, moreover, anything like a scientific analysis of the machinery and powers of government can profitably be undertaken not earlier than the last years of the high school, and then it may best be presented in close association with the work in American history. On the other hand, he believes that many elementary ideas regarding community life, the meaning of citizenship, the relations between the citizen and the community, and the services performed for the citizen by the government, not only can, but should, be presented to the pupil at an earlier period in his education.

The function of the public school is to produce a good type of citizenship. There is no other sanction for the existence of the public school.

The entire course of study and the whole round of school life should be directed to this end. Unfortunately, the aim of education in the public school is too often considered from a purely individualistic point of view, as a means of aiding the individual to get a living. It is rare that we find any definite instruction given to arouse the pupil's consciousness of the meaning of community life and of his relations to it. The study of civil government in its usual form fails to accomplish this end.

"Observation, analysis, and inference" are the essentials of the pedagogical method adopted in this book. The aim has constantly been to make a vivid impression upon the consciousness of the pupil. The author has been more concerned about the interest that the pupil shall develop in the life of the community and in his relation to that life, than about the amount of systematic knowledge that he shall gain regarding the forms and working of government. The desideratum has been to stimulate a questioning attitude on the part of the pupil, and to leave him with an eager desire to know more.

At the same time, the author has not neglected government. Government is, indeed, introduced in every chapter of the book in its proper relations to the phase of civic life under discussion, and the last few chapters are devoted to the governmental machinery. The endeavor has constantly been to present government in its proper perspective. It must not be supposed, from the use of the word "community," that the book deals with local government alone. Local, state, and national organization are constantly emphasized throughout the text in such a way that not only is the relation of the citizen to each of them made vivid, but also the relations of the three kinds of government to each other are brought out with distinctness.

A feature of the book is the use made of local history. It is believed that a contribution is made toward the solution of the problem of how to employ local history effectively in the schools. Few local communities have a history that touches the main stream of national history in an intimate way, so that it is difficult to make use of local development in connection with the history of the United States. Still, every community has a history that may be made instructive. It is hoped that the method of handling the subject in this text may be useful, both in stimulating interest in the subject itself and as a means of illustrating the growth of community life and the relation between the community and the individual.

Although conscious of imperfections in the book, the author presents it with some degree of confidence because of the test to which it has already been put, in a preliminary form, by a year's use in the schools of Indianapolis. He has had the benefit of the experience and criticism of thirty or forty practical teachers during this time. He takes this opportunity to thank these teachers for their searching but sympathetic criticism and suggestion. The author is indebted, also, to Professor Henry E. Bourne, of Western Reserve University, and to Dr. Henry Suzzallo, of Leland Stanford Junior University, for most helpful advice. For the suggestion of the method of approaching the subject, acknowledgment is due to Professors Albion W. Small and George E. Vincent, of the University of Chicago.

ARTHUR W. DUNN.

INDIANAPOLIS, April 15, 1907.

THE State Text-book Committee is under obligations to the following persons for assistance: —

Dr. W. F. Snow, Dr. Ernest B. Hoag, Agnes E. Howe, Congressman Jos. R. Knowland, W. F. Brainard, Judge Curtis D. Wilbur, Judge Albert G. Burnett, Judge Robt. M. Clarke, H. C. Dunton, H. A. Adrian, Job Wood, Jr., R. A. Herold, J. K. Beede, Capt. Peter Jensen, W. D. Coates, Jr., J. L. Gillis, D. J. Reese, Nathaniel Ellery, L. E. Chenoweth, Warden John E. Hoyle, Supt. C. L. McLane, Supt. DeWitt Montgomery; also to the Southern Pacific Co., Pacific Electric Railway, Collier's Weekly, Los Angeles Playground Commission, Sacramento Valley Development Association, Light-House Inspector (12th Dist.), Union Iron Works, Pacific Mail Steamship Co., Postal Telegraph-Cable Co., Chamber of Commerce of Oakland and of Berkeley.

Let reverence for law be taught in schools and colleges, be written in spelling books and primers, be published from pulpits, and proclaimed in legislative houses, and enforced in the courts of justice; in short, let it become the political religion of the nation.

— ABRAHAM LINCOLN.

SUGGESTIONS TO THE TEACHER

For the successful use of a text-book, it is necessary that the teacher get into the spirit of the book. This is best accomplished by familiarity with the book itself. If it has a distinctive spirit expressing itself through a definite and consistent plan, this spirit should readily be imparted to the reader. It is hoped that this may be true of the present text.

"The Community and the Citizen" is, however, prepared on a plan so different from what the teacher may be expecting in a text on civics that an introductory word emphasizing the central idea of the book and offering a few suggestions relative to method may be helpful. In this connection, the attention of the teacher is called to the preface. No better preparation can be made for the use of the text in the spirit in which it is intended than by a careful reading of Professor Dewey's "Ethical Principles Underlying Education," quoted in the preface, and "The School and Society" by the same author.

Certain well-known principles of educational psychology are indispensable in the teaching of civics. The first of these is that the pupil's interest must, first of all, be secured. It is far better to stimulate interest and to impart very little detailed information than to fill the mind with more or less well-understood facts at the expense of interest. Interest, once killed, is hard to regain; while with the interest thoroughly kindled, the facts will easily follow. Furthermore, it is the individual's interest, and not his knowledge, that leads to action. The right kind of interest behind a very few facts will lead to good citizenship, while any number of facts without the interest will fail to do so.

It is also a matter of common knowledge that the surest way to kindle and maintain the child's interest is to build on his own experience, passing constantly from the facts of his experience to related facts just beyond his experience, and back again to his own experience. This method has been adhered to, as far as possible, throughout the book. Many of the topics appended to the chapters are intended to bring the pupil back from the consideration of principles to the appli-

cation of these principles to the simple facts of his own experience. The first five chapters of the book are intended to fix the pupil's attention on the simple facts that lie at the foundation of civic life, by approaching these facts through the interests or desires which the child himself feels in common with all other people (chapter IV).

In pursuance of this method, the spirit of community life should be stimulated in the class itself in every possible way. The pupil should be led to consider himself not merely as an individual who is trying to acquire a certain number of facts, but as a member of a class-community to whose progress he is expected to contribute. The class makes an excellent illustration of community life. Here are a number of people, with differing interests, associated together for a common purpose. The welfare of each member depends upon all; each is responsible for the welfare of all. The class-community is subject to laws, or rules, in order that the best interests of all may be served. These rules should not be arbitrarily imposed, but the class should be induced to formulate their own rules of conduct from their own recognition of the needs of the class. It is not meant that the class-community should be taken up for formal study, but that it be referred to illustratively throughout the study. The whole school is a larger type of community composed of the several class-communities. Its interests are broader, its organization more complete. It illustrates, to some extent, the federal idea.

Pursuing still further the method of building on the pupil's own experience, he should be led constantly to apply the ideas of each chapter of the book to his own community — neighborhood, city, county, state, nation, as the case may be. The suggested topics at the ends of the chapters are intended to aid in accomplishing this; but the application should be made all along in connection with the text itself. For this reason care should be taken to see that the pupil never fails to recognize the relation between the topics and the text. It is often well to assign the topics in connection with the reading of the paragraphs which are related to them. Do not allow the pupil to feel that he is studying one thing in the text and another unrelated thing in the topics. The pupil should be kept as far away as possible from the idea that he is studying a book. The real object of his study is the community in which he lives; the text is a guide to the facts of his own community life and an interpretation of them.

Right along this line, and for the same purpose, the teacher is urged

to make use of local history. The meaning of community life will be much clearer if its origin and gradual development are seen.

The topics at the ends of the chapters are intended as aids in the study of the real community in which the child lives. If any of them prove otherwise, they should be omitted or modified, or others should be substituted for them. Some topics may be used for general class work, others for individual reports. They cannot all be used effectively in every community. The teacher should fit the topics to the needs of the class and to the conditions of the particular community. Do not expect the same results from all pupils, but lead each to expect to make his contribution to the progress of the class.

If some object to certain topics on the ground that material for their answers is not available, it may be said: (1) If a topic is manifestly impracticable for a given class or community, do not waste time over it. There are plenty of other topics that will do. (2) The fact that a topic cannot be answered completely or correctly does not necessarily invalidate it. In real life many of our questions remain wholly or in part unanswered. This does not mean that the correct answer should not be sought; but the chief aim is to arouse a questioning attitude on the part of the pupil. To set the question in the mind of the pupil is the important thing. It does not matter so much, after all, whether the child can describe the details of the water system or the organization of the school board, but it *is* important that the coming citizen should have a consciousness of the magnitude of the work the community does for him to supply him with pure water and with an education.

It is not intended that pupils in this grade of work shall do a great deal of reading. It is preferable, where possible, to get the desired information at first hand. At the same time, some reading from books and current literature will be necessary. The daily papers and the current magazines are full of illustrative material. The references at the ends of the chapters will often be helpful to the pupils. They are intended fully as much, however, as aids to the teacher. Hart's "Actual Government" (Longmans) and Forman's "Advanced Civics" (The Century Company) are referred to throughout the text-book, and will prove excellent for the reference table.

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SALUTE TO THE FLAG

"I pledge allegiance to my Flag and to the Republic for which it stands, one nation, indivisible, with liberty and justice for all."

Breathes there a man with soul so dead,
Who never to himself hath said,
"This is my own, my native land!"
Whose heart hath ne'er within him burned,
As home his footsteps he hath turned
From wandering on a foreign strand?
If such there breathe, go, mark him well;
For him no minstrel raptures swell;
High though his titles, proud his name,
Boundless his wealth as wish could claim,—
Despite those titles, power, and pelf,
The wretch, concentred all in self,
Living, shall forfeit fair renown,
And, doubly dying, shall go down
To the vile dust, from whence he sprung,
Unwept, unhonored, and unsung.

— Sir Walter Scott.

CIVICS

THE COMMUNITY AND THE CITIZEN

CHAPTER I

THE BEGINNING OF A COMMUNITY

About seventy years ago a company of people in New York thought of founding a settlement in the far West. Their purpose was to build a college for the education of Christian ministers. Their first step toward actual settlement was to appoint an exploring committee to search for a suitable site, and a committee to find families who were willing to go.

Why the settlement was made

The exploring committee was given instructions to examine the following points:

What the exploring committee was to look for

1. What is the quality of the water in wells and springs?
2. Do the streams in the neighborhood rise in, or pass through, swamps? Or do they rise from springs? Are they rapid or sluggish?
3. Are there marshes in the vicinity?
4. Is the land level or rolling?
5. What is the quality and depth of the soil?
6. Is there a convenient and abundant supply of timber and fuel?
7. Is there water power? If not, is there coal?
8. Are there navigable streams, or canals and roads already built or proposed?

After three months' search a suitable location was found in a beautiful rolling prairie country, on the watershed between two large rivers, neither of which was more than fifty miles distant. The prairie land was very fertile. Near at hand was a large tract of woodland containing oak, black walnut, and other fine trees, which afforded shelter during the first hard winter, before substantial houses could be built upon the open prairie, and supplied building material and fuel. There were numerous springs and streams which furnished water and good drainage. Since the settlement has become a city, one of these streams has become a menace to health because of the refuse drained into it. Near by an abundance of coal was found, and in the course of time there was discovered a great deposit of shale, good for the making of paving brick, which is one of the chief industries of the city at the present time. The settlement was made before the day of railroads, and there were few wagon roads and no canals in the region. But the location was such that it was felt that roads were certain to center there in the near future.

The site selected

The committee to find families was also successful. Thirty families, comprising one hundred and seventy persons, were found who would go to the new settlement the first year. The settlement founded by these families still takes pride in the fact that it is *a city of homes*.

The families for the settlement

The purpose of those who planned the settlement, as we have seen, was to found a college to educate Christian ministers. The families chosen to make up the settlement were selected, therefore, with a view to getting people who would take an interest in this purpose. The community was noted for its zeal for

Common interests of the settlers

education and *religion.* But this was not all that concerned them. If you will examine the instructions given to the exploring committee, you will see that care was to be taken to find a site favorable to *health;* it must also be favorable to the production of *wealth;* and there must be easy means of *communication* among themselves and with the outside world. Which of the instructions refer to these different things?

The little colony not only planned to build a church, a college, and a common school; they also built houses for shelter, they began to cultivate the soil, they put up a sawmill and a gristmill. Many of the necessary occupations, such as making clothing and shoes, repairing tools, and making furniture, were at first carried on in each household, but soon carpenters, a blacksmith, a shoemaker, and other tradesmen settled in the community. For social life, the people had their singing schools and quilting parties.

The colonists had acquired a township of land. Three sections were reserved for the site of the village and the college. The village was laid out in lots to be sold to those who wished to build homes and places of business. The college land was fenced in, and lots were reserved for the church, an academy, and a common school. Outside of the village the land was sold in half-sections and quarter-sections for farming. These farms were fenced in and improved by cultivation and by the erection of permanent buildings. The more the settlers improved the land, and the more they invested in their homes and business, the more certainty was there that the community would be permanent and prosperous.

The people united with the land

The early life of this little community was very simple.

The life of the early community

Each man, with his neighbors' help, chopped and hauled the logs with which to build his cabin. In the edge of the grove there were "a dozen or two log cabins, some built without a nail or a pane of glass; with the spaces between the logs chinked with mud; with outside chimneys made of clay and sticks; with boxes, barrels, and short logs for chairs, a large box for the table, and a one-post bedstead[1] for an honored guest." Each man was his own mechanic, some were their own cobblers, and the wives were the tailors and dressmakers. A family in "average circumstances" is described as having "enough money to pay taxes and postage." Servants were rare and were on equal terms with the family. The cabins were adorned by such simple means as sticking four balls of clay upon the corners of the chimneys. It is said that it was strange "how quickly, under the good taste and deft fingers of the ladies of the colony, these cabins took on a cozy air and an appearance of beauty and refinement." Books and papers were few, and were handed about from house to house. Money was scarce, so that the exchange of goods took place by barter. Farm produce had to be hauled in wagons straight across the prairie to the nearest large town, fifty miles away. When any great undertaking was proposed, like the building of the church, all the men of the community united in the work. They chopped and hauled the logs from the grove, they hewed out the timbers, they put the frame together, and raised the building.

The people in this little community, selected as they had been with great care by a committee, were at first remarkably harmonious. They were of one nationality;

[1] A one-post bedstead was built in the corner of the room, the two walls serving as two sides of the bed.

THE PIONEER COMMUNITY IN THE WEST.

This is a view of the settlement described in the first chapter, and is from an old painting made by a resident of one of the cabins shown in the picture.

San Francisco in 1863.

they were of Puritan principles. They all rallied around the idea of the Christian college. If any differences arose, they were at first settled by the church organization. But with the coming of more settlers, and the development of new interests, it became necessary to form *a government.*

Government of the community

Such was the beginning of this community, which has developed until to-day it is a thriving city with handsome homes, busy streets, noisy factories, churches, schools, and libraries. It is an important railroad center, and is thus brought into the life of the world outside. It is a center of culture and refinement, and a pleasant place in which to live.

FOR INVESTIGATION

This chapter is the true story of the founding of a community in Illinois. Every community, including your own, has had a beginning more or less like that of the one described here. In reading this chapter, think whether it would fit your own community — in what points it is like it, and in what points it differs.

1. Can you find out how the site of your community happened to be selected?

2. Take the list of instructions given to the exploring committee mentioned on page 1, and answer the questions there asked with reference to your own community.

3. From what localities did the early settlers in your own community come? What led them to found a new community? How did they make the journey from their old homes to the new settlement?

4. Find true stories of pioneer life in your own community, or in your own state.

5. When Virginia was colonized, did the character of the site influence the life of the colony? Did the character of the people do so? Answer these questions with reference to the other colonies.

6. What were the purposes that led the colonists to settle in New England? Compare with the purposes of the settlers described in this chapter.

7. Describe the life of the people in Massachusetts during the first few years of the colony. Compare with the life of the settle-

ment described on page 4 of this chapter, and with the pioneer life of your own community.

REFERENCES

1. Where possible, the pupil should gather information from old settlers of his acquaintance.

2. Where available, local histories should be made use of. County histories, reports of old settlers' meetings, etc., are useful.

3. Use any stories of pioneer life, like that of Lincoln's boyhood, to supplement local history. McMurry's "Pioneer History Stories" (Macmillan) is good.

4. For questions 5–7, the ordinary school histories will usually suffice where other books on colonial life are not available.

5. There is an excellent series of books on colonial life, suitable for pupils, by Alice Morse Earle. These will be useful throughout the study. Some of the titles are: "Colonial Dames and Good Wives"; "Stage Coach and Tavern Days"; "Home Life in Colonial Days"; "Child Life in Colonial Days."

Permission of "Collier's Weekly."

LOG CABIN IN WHICH ABRAHAM LINCOLN WAS BORN.
Hardin County, Kentucky.

God make us worthy of the memory of Abraham Lincoln.
— PHILLIPS BROOKS.

CHAPTER II

WHAT IS A COMMUNITY?

THE story of the founding of the colony in the West illustrates certain things that we should know about communities. Each one of us is a member of a community. We wish to know just what our community is, and how it grew. We wish especially to know what it does for us, and what we owe to it.

The community whose beginnings we noticed in the last chapter consisted of a *group of people* who settled together in *a single locality*, and who were bound to each other by *common interests*. They were also subject to *common laws*. This may be taken as a definition of any community.

Definition of a community

Communities may be large or small; that is, the people may be many or few, and the locality in which they live may include a large area or a small one. A group of neighboring farmers with their families may constitute a community. In this case the area occupied may be large, while the people are few in number. Or the community may be a city, with a dense population in a comparatively small area. Each state in our Union is a community, and so is our nation, because each is composed of a group of people occupying a common territory and governed by common interests and common laws. The nation is composed of state communities, and each state is made up of many city and rural communities.

Large and small communities

You may live in a small city which is a community in

itself, with its group of people, its boundaries, its common interests, and its common laws. A few miles outside of your city is a community of farmers, whose houses are far apart, but who have common interests, such as keeping up the roads and the bridges in their neighborhood. The farmers bring their produce to the city for the use of the people there, and in turn depend upon the city for many of their necessities and pleasures. The country and the city communities thus have certain interests in common, and their dealings with each other are regulated by common laws. You are, therefore, a member not only of your city community, but also of a larger community including the farmers. You belong also to the community of the whole state, and to a still larger one including the nation.

Communities unite into larger ones

No community ever began its existence fully formed, but each has grown from small beginnings. It is like the growth of a plant from the seed. You may have seen a tangled mass of vines growing from a common root, with the branches and tendrils so interwoven that it is difficult to trace one of them back to the main trunk. So in a great community like a city, or like our nation, we find the structure and the organization so complicated that it is often difficult to understand them. It is easier to take a community in its earlier and simpler stages, like that of the last chapter, for a beginning of our study, and then to trace its growth into the more complicated forms.

Communities grow from small beginnings

Being a member of a community means that each one of us takes part in, and contributes to, its life. The heart and the arm are members of the human body. They receive life from the body, and contribute to its life. In a similar way your life is closely inter-

Membership in a community

VIEWS FROM A RURAL COMMUNITY.

1. The dairy herd and barn.
2. A prize winner.
3. A palatial farm house.
4. Entrance to the farm.

SAN ANSELMO — MT. TAMALPAIS IN THE DISTANCE.
A village community in California.

woven with the life of the community in which you live. You can imagine yourself shut off from mankind, like Robinson Crusoe, and living; but what a narrow life it would be! The best of your life comes from participation in the life of your community. When we speak of citizenship, we usually mean this membership in the community, with its giving to, and receiving from, the community's life. Citizenship carries with it certain privileges and certain duties.

Citizenship

FOR INVESTIGATION

1. Talk over in class the four essentials of a community — the group of people, the site, the common interests, and the common laws. Apply these essentials to your own community.

2. Is your class a community? Explain. What are its common interests? Are its laws written or unwritten?

3. Show how the different classes in your school are bound together by interests common to the whole school. Compare this union of classes into a school with the union of states into a nation.

4. What are some of the things in which your family and your nearest neighbors have a common interest because of living close together?

5. What are some of the things in which the people of a city and the neighboring farmers have a common interest?

6. Name some things in which all the cities of a state have a common interest. What are some things in which the whole nation has a common interest?

7. Show how an injury or a benefit to one person may be an injury or a benefit to the whole community of which the person is a member. Show how an injury or a benefit to a community will injure or benefit the individual members of the community.

8. Can you be a member of your class without doing it either good or harm? If a member of a community contributes nothing to its welfare, can he avoid being harmful to it? Explain.

9. What are some of the things that a citizen receives from his community?

10. Think of some ways in which a citizen may contribute to the welfare of his community.

CHAPTER III

THE SITE OF THE COMMUNITY

In beginning our study we must remember that the people and the locality both contribute something to make our community what it is.

The geographical features of the land enter into the life of the community in many ways. In its relation to the land, we may compare the growth of a community to the growth of a plant. The plant derives its support from the soil. Some kinds of plants flourish in one kind of soil, other kinds in other soils. In the case of all plants, their size and fruitfulness depend not merely on the kind of seed sown, but also on the character of the soil. It is the same with communities. Whether a community shall live or die may depend entirely on the character of its site.

Importance of the land

The importance of the character of the land is seen clearly in the account of the founding of the community in the first chapter. The site of a community is not always selected so carefully as in that case; but the influence of the site is always important.

Natural geographical conditions usually determine where large cities shall grow. Nature seems to have planned the mouth of the Hudson River as the site of the greatest city on the Atlantic coast. A good harbor, like that of Boston or San Francisco; the junction of two navigable rivers, as at Pittsburg or St. Louis; the falls of a river, checking navigation

In determining where cities shall grow

and affording water power, as at Minneapolis or Louisville; the head of a river estuary, as at Quebec or Philadelphia; the center of a rich region where roads naturally cross, as at Indianapolis — all these are conditions favoring, if not determining, the growth of large communities.

The health of a community depends in many ways on the character of the land. Low, flat regions are likely to be unhealthful. Sluggish streams and lakes that tend to become stagnant breed disease. The supply of drinking water is an important matter, and often depends on the character of the underlying rocks into which wells are dug. These geographical influences become of the greatest importance in cities where the population is dense, for the artificial drainage may be good or bad according to the character of the natural drainage; and the water supply is in much greater danger of pollution in the city than in smaller communities. A stream which is naturally clear and sparkling may become, in the heart of a city, a foul breeding place of disease.

In relation to health

Climate is also one of the conditions that influence community life. A little thought will show how climate may determine the mode of life — the character of the houses, the form of clothing, and even the nature of the sports and amusements of the people.

Influence of climate

The influence of natural resources on the forms of industry and on the growth and prosperity of communities is so clear that it is not necessary to dwell upon it. Can you not think of some cities in the United States that are celebrated for industries which depend on the presence of important natural resources?

Influence of natural resources

In many rural communities the farmers are almost completely isolated from one another during a part of the year

because the roads are impassable, owing to a soil which forms a deep mud, or to the flat and swampy character of the land. This condition interferes with the social, business, and intellectual life of the farmers, and influences their relations with one another in many ways. An unusually hilly site may affect the social and the business life of a city. A river and its branches may divide a city into parts more or less distinct and with differing characteristics. Such a city is Chicago, with its North, West, and South Sides.

Influence of surface features

Virginia is a good example of how the land may shape the character and the history of a large community. The development of this colony and state was determined to a remarkable extent by conditions of climate, soil, and surface which encouraged the cultivation of the tobacco plant. This industry required large plantations, which were distributed along the shores of the navigable rivers, of which there were many. These rivers were large enough to permit the ocean vessels of that time to pass some distance up their courses. Therefore each planter had his wharf, at which he loaded his tobacco for shipment and received manufactured goods from abroad. These conditions discouraged the growth of cities, and the population remained almost wholly rural. An abundance of cheap labor was necessary, and hence slavery gained a foothold. The scattering of the population over wide areas made it difficult for the people to come together at a common meeting place, so that the township organization with its government by town-meeting, such as was found in New England, was impracticable, and the county system of government developed instead (see chapter XXI).

Influence of geography on the development of Virginia

The character of our national community depends in a large measure on the character of the land. Rich resources have made our land a place of opportunity to all. East of the Rocky Mountains, at least, the country is well fitted geographically to be the home of a single great nation rather than of many small ones. The whole region from the Rockies to the Alleghanies is closely bound together by river systems. The navigable rivers in early days, and the conditions which have made the building of railroads easy in later times, have hastened the settlement of the country. Our situation between the two great oceans has protected us from foreign aggression, and it has also given us a great advantage in the commerce of the world. Our geographical conditions have been favorable to the development of a great nation, united under common interests and common laws. Yet we have had many geographical difficulties to overcome. "For the creation of the nation the conquest of her proper territory from Nature was first necessary. . . . A bold race has derived inspiration from the size, the difficulty, the danger of the task."

The home of our nation

FOR INVESTIGATION

1. *a.* If you live on a farm or are well acquainted with one, make a sketch map of it, showing position of highlands, lowlands, marshes, timber, streams; also, houses, barns, roads, bridges.

b. Did the features of the land determine the location of the buildings? Of the roads and bridges? The drainage of the farm? The kinds of crops raised on different parts of the farm?

c. Has the character of the land influenced the life of the farmer's family in any way? (Bear in mind climate, the change of seasons, the presence of woods, good or bad roads; and think of their effects upon going to school or church, amusements, social life.)

2. Can you discover any advantages in the site of the town in which you live, or in the one nearest to your home, that determined its location? How?

3. Make a map of the site of your town or city showing the natural drainage; *i.e.* the streams into which the land is drained. Is the drainage good or bad? Is it equally good in all parts of the city?

4. What are the natural resources of the region in which your community is situated? How have they influenced the life of the community?

5. Are the geographical conditions in your community favorable to good roads in the country districts? Explain fully. How does this influence the life of the towns? Of the farmers?

6. Is you community divided into districts or regions by any natural features (hills, streams, etc.)? Can you show any results of this fact upon the life of the community?

7. What geographical conditions affect your supply of drinking water?

8. Is your state noted for any particular industries? If so, what geographical conditions have helped to make it so?

9. What geographical difficulties had to be overcome in the development of your state? How has the government helped to overcome geographical difficulties?

REFERENCES

The teacher should see that the work in this chapter is correlated with the pupil's work in geography.

THE SITE OF CHICAGO.

Compare this scene with that on page 111.

CHAPTER IV

WHAT THE PEOPLE IN COMMUNITIES ARE SEEKING

MAN has been called a bundle of wants, and these wants are constantly leading him to act in such a way as to satisfy them.

First of all, men desire life and health. They will ordinarily give up anything in order to preserve their lives. Good health is one of the most priceless possessions. A perfectly sound and healthy body is one of the greatest joys a man can have, and without it he is unable to satisfy his other desires to the fullest extent. Recall the provisions made for the protection of life and health by the colonists mentioned in the first chapter.

The desire for life and health

Another thing that people want is to own something. Boys and girls like to have things that they can call their own. The things that men seek to own — houses, cattle, books, pictures, and the like — constitute wealth. The desire for wealth is a very strong one, stronger in some persons than in others. What a man owns is valuable because of what he can do with it. It helps him to sustain and protect life. It enables him to enjoy comforts and luxuries that he could not otherwise have. It makes it possible for him to educate himself, to satisfy his desire for art, to travel, and to enter more fully into social life. Men engage in farming, in manufacturing, in buying and selling, and many other forms of business to satisfy their desire for wealth.

The desire for wealth

Men also want knowledge. That is why children ask so many questions, and why boys like to take things to pieces to see how they are made. It is this desire that led Nansen to the arctic regions, and Livingstone to the heart of Africa. It lies at the foundation of all science. It was one of the foremost desires that led to the founding of the settlement in the West (chapter I).

The desire for knowledge

Men also take pleasure in things that are beautiful. This may lead to travel, to the collection of pictures, to the erection of beautiful buildings, and to the maintenance of well-kept streets and lawns. There is a great variety of activities for the satisfaction of the desire for beautiful things. How did this desire show itself in the community mentioned in the first chapter?

The desire for beauty

No race or tribe of men has ever been known that did not have some form of religion. The religious desire is characteristic of men. In every community there are certain things that men do to satisfy it. It may be the sacrificing of animals, as among the ancient Hebrews. It may be the throwing of children to the crocodiles, as in India. It may be the building of beautiful temples, as in ancient Greece. It may be waging a great war, like the Crusades; or it may be the founding of a hospital or some other charitable institution. The desire for the spread of religion was the chief motive of the settlers mentioned in the first chapter.

The desire for righteousness

Man desires companionship. He has been called a social animal. He engages in many forms of activity to gratify his desire to associate with other men. How fully could this desire be satisfied in the little community founded in the West?

The desire for companionship

Many of the things that men do are the result of several

of these desires working together. A man's desires for knowledge, for beautiful scenery, and for health may combine to lead him to the mountains. When Columbus sailed on his voyage of discovery, he was led by his desire for knowledge, his desire for wealth, and his desire to extend the influence of Christianity. Sometimes one desire may seem to obscure every other desire in the life of a person. The love of wealth may take such possession of a man that he becomes a miser, or perhaps dishonest. It has sometimes happened that a man has become so enthusiastic in the pursuit of art, or of science, that he has sacrificed his health, or even life itself, as in the case of André, who attempted to reach the north pole in a balloon. History tells us of men who were so devoted to what they believed to be their religious duty that they became hermits, shutting themselves away from all companionship, denying themselves riches, mutilating and starving the body, and even suffering death. But in every normal person there are found all the desires named, and *the well-rounded life is made up of activities to satisfy all of these desires in due proportion.*

Combinations of desires

One desire sometimes shuts out all others

The well-rounded life

Two persons may have the same desires, but may attempt to satisfy them in different ways. The Flathead Indians bind boards upon the foreheads of their children, flattening them, because they think the result is beautiful. A certain people blacken their teeth and scorn Europeans who have "white teeth like dogs." So among us there are people who seem to take delight in things that are repugnant to others. The miser and the spendthrift both have wrong ideas of the use of wealth. One man's desire for companionship may lead him into profitable associations with

Different ways of satisfying the same desire

others. The same desire in another may lead him to waste his time in the evil influences of the saloon.

Where there are so many desires and so many ways of satisfying them it is not strange that the activities of people sometimes conflict. The robber, in his pursuit of wealth, conflicts with the desires of others. One man may erect a cheap and ugly building that is a nuisance in the neighborhood. An employer may maintain a poorly ventilated factory or store that endangers the health of those who work for him. A crowd of young people in their love of sport and companionship may interfere with the peaceful pursuits and the comfort of others. That community is best to live in, in which each citizen not only has the greatest opportunity to satisfy his desires in life, but also recognizes the fact that all other citizens have their desires, and an equal right to satisfy them.

Conflicts of desires and of activities

In the course of time men, living together in communities, have developed various means to secure harmony, and to prevent the rights of one from being interfered with by others. Three means to secure these results are:

Means to secure harmony

1. *The school.* Its chief purpose is to train children for citizenship; that is, for membership in the community. (See chapter XV.)

2. *The church.* It works through the religious desires of men. Its service in helping men to live harmoniously together may be expressed by its teaching, "Do unto others as ye would be done by."

3. *Government.* It establishes and enforces laws for the common good, which all should willingly observe. It is not something placed over us from without, to tyrannize over us, and to be feared and antagonized. It is a friend

of our own making, and should be cherished and supported by every citizen to the fullest extent possible. The beneficent purpose of government is stated in the preamble of the Constitution of the United States, which reads:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

FOR INVESTIGATION

1. What things are done in your own home for the purpose of satisfying the desires mentioned in this chapter?
2. What are some of the things, outside of your home, that the people of your community do to satisfy these desires?
3. What desires are gratified by a person who does the following things: paints his house; attends a concert; visits a sick friend; buys a book; makes a garden; keeps a dog; takes out a fire-insurance policy; keeps a store; goes to church; attends a lecture?
4. Show how a person's desire for companionship may conflict with his desire for knowledge; how his desire for wealth may conflict with his desire for health or for companionship.
5. Give illustrations of how some persons, in satisfying their desires, interfere with the attempts of others to satisfy theirs.
6. Does community life make it easier, or more difficult, for men to satisfy their desire for life; for health; for wealth; for knowledge; for beauty; for religion? Explain.
7. Show how, in the school, the pupil who "does as he pleases" interferes with the liberty of others. Is it right that his own liberty should then be restricted? Why? Is liberty the right to "do as one pleases"?
8. Study together in class the first ten amendments to the Constitution of the United States, and, if possible, a part of the bill of rights of your state constitution. Find how many of the desires mentioned in this chapter are there provided for.
9. Mention one way in which government helps you to satisfy each of the desires mentioned in this chapter.

CHAPTER V

THE FAMILY

It was pointed out in the first chapter that the community in the West was settled by *families*, and grew up to be *a city of homes*. There are communities in our land in which a large part of the population is without homes in the true sense of the word. In the far West there are mining towns, and in the North lumber camps, composed almost entirely of men without families. In such communities life is rough, some of the best features of civilized life are lacking, and the community is likely to be lawless. In cities there are thousands of people who live in dwelling places with very little that we usually associate with home life. Many, indeed, have not even regular dwelling places, as in the case of tramps. There are thousands of unfortunate, homeless children adrift in our great cities. It is largely in the drifting, homeless population that the disorderly and criminal classes are found. The family and the home are of the greatest importance to a community, first because of what they do for the individual citizen in helping him to satisfy the desires of life, and second because of the services they render to the community as a whole.

The family in the community

What the family does for its members can best be understood if we first study the life of a pioneer family, cast almost entirely upon its own resources in a new country. Tempted by stories of the rich lands in the West and the greater opportunities of gaining a liveli-

The pioneer family

hood and accumulating wealth, this family had packed its household goods and, with a team of horses and a wagon, had undertaken the journey of six weeks or more into the wilderness. It selected a spot in an open space in the forest, not far from the banks of a stream, where the conditions of the land gave promise of making a new home safe, pleasant, and productive of good results. The family then was miles from any other human abode. There were no roads connecting it with civilization except the rough "trace" by which it found its way into the forest. The family was face to face with the great wilderness, whose conquest was for the present its chief task.

The husband and father immediately began to make a home. With the help of his son, he cut down trees from the forest and built a log house. He became woodcutter, carpenter, and builder. They made some simple furniture, and built a great fireplace of clay and sticks, with an oven. Fuel was found in abundance in the forest.

Providing a shelter

The open space in the forest around the house was enlarged by clearing away the trees, the ground was plowed, and grain and vegetables were planted. The grain was cut and threshed by hand, and ground into meal in a home-made stone mill. For fresh meat they had to depend chiefly upon game from the forest. Some necessities, such as salt and powder, and a few luxuries, such as coffee, had to be brought with great difficulty from the nearest settlement many miles away. In exchange for these things they gave their surplus farm products and a few furs from animals trapped during the winter. Money was almost never seen in this Western country.

Providing food

Exchange of goods

The man built a forge. Under the stress of necessity,

and aided by some little experience gained in the East, he was able to repair his tools, and even to make new ones, to shoe his horses, and to do many other things necessary on the farm. He experimented in making moccasins and even shoes. He began the raising of sheep and cultivated flax. A spinning wheel and a hand loom were set up in the house, and coarse but serviceable clothing was made by the mother's hand.

Occupations of the father and the mother

Little was to be feared, in those early days, from thieves and marauders, although there were occasional rumors of threatened Indian attacks. Against possible dangers of this kind the father was a watchful protector. Another enemy more difficult to cope with was sickness, due to the presence of a swamp near at hand. The medicine chest, supplemented by roots and herbs from the forest, was a valuable part of the family equipment. The mother proved herself a sympathetic and resourceful physician and nurse. She also saw to it that the cause of disease was reduced as much as possible by keeping the premises clean.

Protection against violence and disease

The education of the children had to be looked after. The son was taught the duties of the farm and the use of tools of all kinds. He became a skillful woodsman. The older girl learned the duties of the household, how to spin and weave, and many other things to fit her for the life she had to lead. The mother taught the youngest child to read, and instructed all in ideas of right living. She planted a little flower garden in the dooryard, and trained vines over the house. With the crude materials at hand, she used her taste to the utmost in beautifying the children's clothes.

Education and art

The parents were religious people in accordance with their early training. The family Bible occupied a promi-

nent place in the household, and from it every day the father read to the family group. There was no church for miles around. **Religion**

There was little companionship for the members of this family outside of the family group; but within the group there was the closest association. The children interested themselves in the work of the parents, and the parents entered sympathetically into the pastimes of the children. They read and sang together. The children had their sports in fields and woods, appropriate to the seasons. For want of other companions they made pets of all the domestic animals. An occasional traveler was welcomed in the home with the freest hospitality. **Social life**

The occupations of the day were carried on in regular order; each had his special duties to perform at certain times. The children rendered obedience to their parents. The father was the recognized head of the family. His word was law. Yet he constantly had the best interests of the family at heart, and was kind and thoughtful with all his sternness. **Government**

Such was the life of the pioneer family. It was crude and imperfect; but you see that all the kinds of desires that men have were provided for more or less completely within the family itself. It looked after the protection of life and health, the production of wealth, the education, the religious training, and the social life of its members.

In the course of time other families came into the neighborhood. Then an organization into a larger community began. The settlers rendered aid to each other in building houses and gathering crops. Many of the occupations formerly carried on in the family were now transferred to members of the community who made these occupations their **The family relieved by the organization of a larger community**

business. A school was organized to provide a better education than could be offered in the home, and a church was built at the crossroads. A government also was organized.

Although, as a community grows, various means arise to help the family to provide for the wants of its members, the family must always bear an important part of the responsibility for the welfare of its members. No matter how good the doctors, the health of the people in any community depends more on the family than on anything else. No matter how efficient the schools, a great responsibility rests on the family for the proper education of the children. No matter how many social organizations there may be in the community, the social life of the home is the most important of all and the most far-reaching in its results. No matter how excellent the government of a community may be, it can have little good result if the government in the home is lacking. The surest way to secure good government in the community is through careful government in the homes that make up the community. *No matter how large the community, or how completely it is organized, the family remains one of the most important means to provide for the wants of the citizens.*

The responsibility of the family

FOR INVESTIGATION

1. Find out what you can about family life in the pioneer days of your own community: the kind of dwellings; where the food supply came from; how health was cared for; the occupations in the household; what was done to beautify the home; the social amusements.

2. Show to what extent the needs of a farmer's family in your own neighborhood are satisfied by its own efforts.

3. Observe whether your own family is chiefly dependent on itself for its needs, or depends on arrangements supplied by the community.

4. Compare the advantages of the average country family with those of the average city family, with respect to satisfying the desires of life. Or, debate the question: Home life in the country has greater advantages than home life in the city.

5. Study the way in which the average family governs itself. Why is this government necessary?

6. Are there in your community many people without homes, as explained in the first paragraph of this chapter?

THE HEARTHSTONE.

Where government begins and that upon which character depends.

"More than armies and navies, more than money and trade, our nation needs children who love their country enough to take some pains to improve themselves for its sake."

Preserve beyond all else as the priceless portion of a child the integrity of the nervous system. Upon this depends their success in life.

— From Luther Burbank's "The Training of the Human Plant."

CHAPTER VI

SOME SERVICES RENDERED TO THE COMMUNITY BY THE FAMILY

"No nation can be destroyed while it possesses a good home life."

THE family not only does much to provide for the welfare of the individual citizen, but it also performs certain valuable services for the community as a whole.

The family a training school for citizens

In the first place, the family has been called "a school of all the virtues" that go to make good citizenship. It is a school in which not only the children, but also the parents, are trained for citizenship. It has been said that if a man is a good husband, a good father, a good son, or a good brother, the probability is that he will also be a good citizen in the community. And we must not forget the wives, mothers, daughters, and sisters. The quality of the citizenship of the women of a community is perhaps shown more in their family life than that of the men, because such a large part of their lives is spent in the family and the household, and also because their influence there is so great in molding the character of the men. In the family are developed thoughtfulness for others, the spirit of self-sacrifice, loyalty to the group of which the individual is a member, respect for the opinions of those of long experience, obedience to the head of the family and to the rules which have been established for the welfare of all. If these and other qualities of good citizenship are not

cultivated there, the family is not in a healthy condition, and is not doing its full service to the community.

There is no other kind of property that gives such satisfaction to the owner as a home. Men usually look forward with eagerness to the time when they can own their homes, and take great pride in that ownership when it is acquired. Many families live in homes which they do not themselves own; they rent from others. When that is the case, there is lacking one of the strongest influences that make the home life complete. The ownership of a home adds another bond of union among the members of the family through the common interest which it affords. A man has a greater interest in improving and beautifying a home that he owns than one that he rents from another.

The owning of a home

A MODEST HOME.

A family that owns its home will usually take a greater interest in the community in which it lives than the family that owns no home. It feels a sense of proprietorship in a part of the community land. The value of a home will increase in proportion to the prosperity of the community as a whole. Its owner will therefore be inclined to do all he can to promote the welfare of the community for the sake of his family. A community that is made up largely of homes owned by their occupants is likely to be prosperous on this account,

Creates interest in the community

and its citizens will be loyal to it. In large cities, where people are crowded together in a comparatively small area, it is difficult for all to get possession of a piece of ground suitable for a home. The land, being in great demand, becomes very valuable, so that many families are unable to buy it, or even to pay the necessary price for the use of it. The result is that such families are driven to make their homes in the least desirable localities in the community. They may resort to the lowlands along a river flowing through the community, where the land is unhealthful and in danger of floods. In some river towns most wretched dwelling places may be found in such localities. In large cities many families are often crowded together in buildings owned by men who can get better returns by charging small rents to many families than they could by charging larger rents to a few. These crowded dwelling places, which often do not deserve the name of homes, are called tenements, and the section of the city where the crowding is the worst and the buildings are the poorest constitutes what is known as the slums. These tenement dwellings involve all sorts of evils. Where so many families live in one building, and where many buildings are crowded together without space between, there cannot be the privacy that is essential to good home life. Such conditions are also detrimental to health. The

A Tenement-House Inspector

Dangers to home life in cities

A Crowded Tenement District.

Copyright, 1909, *by Charles Weidner.*

APARTMENT HOUSES OF A LARGE CITY.

sunlight never penetrates to the interior of some of these buildings. They are ill-ventilated and unsanitary. There is no room for playgrounds for the children. Among a crowd of people in such wretched dwellings there are always many ignorant, immoral, and vicious persons, who have a bad influence upon others with whom they are constantly thrown. Criminals often find a safe hiding place in the dark and crowded tenements of the slums.

Families living in such conditions as we have described are less likely to take an interest in the welfare of the community and to contribute to its well-being. On the other hand, their part of the community is a constant burden and menace to the whole community. Fires are likely to start among the crowded and poorly constructed buildings, and to spread to other parts of the city. The unsanitary conditions invite epidemics of disease, which may not easily be restricted to the district where they originate. Disorder, vice, and crime are more frequent there, requiring police supervision, which has to be paid for by the whole community. In many ways the possessor of the good home in the better part of the city has to bear the burden of, and help pay for, the existence of these poor homes. A very large part of the expense of government could be avoided if the poor homes of the city could be converted into pleasant homes, with plenty of room, light, and fresh air. *Much of government is made necessary in order to take the place of what is lacking in the home life of the community.*

The burden of the worst homes rests upon the whole community

Government and the home

In many large cities a movement has been begun for the improvement of conditions in the tenement districts. The old, unhealthful tenements are being removed and better ones built. More sunlight is being let in and better

plumbing introduced. Open courts, or yards, are provided in order that the people may get out of doors. Parks and playgrounds are being established in the vicinity of the crowded districts. The introduction of rapid transportation has done much to induce people to move out to the suburbs, where life is more healthful and where conditions are better for home life.

Movement toward reform

It is much better, however, to prevent wretched home conditions from gaining a foothold in the community than to have to correct them after they have appeared. They are conditions that tend to appear wherever the population is rapidly increasing. "The earliest stage of the evolution is the small one- or two- or three-story house, with its yard and flower beds, occupied by a single family. As the city grows and the demand for housing facilities increases, rents become higher and one floor of the house is re-rented to another family. A still greater demand results in a further re-renting, while the yard is built up with other small houses occupied by one or two families; or perhaps the original house is moved to the rear of the lot, and a greater part of the remaining space is filled by one large wooden building, fashioned expressly for the use of several families. It is possible, too, that the large rooms of the original house, which its tenant can no longer afford to pay for, have been subdivided, thus increasing the capacity of the house, and swelling its total income. The basement and attic are both occupied, and the house, having been built for the use of one family, is almost devoid of water, bath, and toilet facilities."[1]

The evolution of the tenement

[1] Report of Cleveland Chamber of Commerce on "Housing Conditions in Cleveland," pages 8, 9.

In some of our largest cities the government has taken hold of the problem of the tenement, and laws have been passed, prohibiting the building of dwellings without sufficient space around them to admit light and air, requiring good sanitation, and forbidding the overcrowding of people in a single building. Unfortunately these laws are violated, and the government frequently fails to enforce them. In the smaller cities, where such conditions have not become sufficiently apparent to attract notice, there are often very few laws upon the subject. It is in these cities that especial care should be taken to prevent the growth of dangerous tenements, by the enactment of preventive laws.

Tenement-house laws

It is not merely the dwelling, however, but the life within it, that really makes a home good or bad. Some of the worst homes are occasionally found in surroundings of luxury. Unless the relations between husband and wife, between parents and children, and between brothers and sisters, are of the right kind, the home will be imperfect, even though it be sheltered in a beautiful dwelling; and it will fail to perform its best service to the community.

FOR INVESTIGATION

1. Do most of the people in your neighborhood own their homes, or do they rent? Can you give illustrations to show that home owners take a greater interest in the community than those who rent?

2. Is there some section of your community where most of the people own their homes, and another section where most of the people rent? If so, do you notice any difference in the general appearance of the two sections? Do you think that the difference, if any, is due in any part to the fact that some of the people own and some rent?

3. Observe the character of the homes (dwellings, yards, gardens), as you pass from the center of your city to its outskirts. Is there any difference in their appearance? If so, why is it?

4. Is there any tendency for farmers' families in your neighborhood

to move to the city? If so, try to find the reasons for it. What becomes of their farms when the families move away?

5. Is there any tendency for families in the city to move toward the outskirts of the city, or to the suburbs? If so, why? Is it chiefly the poorer people or the well-to-do? What happens to their old dwellings in the center of the city?

6. Are flats and apartment buildings being erected to any extent in your community? If so, try to find the causes. What are some of the effects on family life of dwelling in flats?

7. What is being done in your community to improve the home life of the poorest families?

8. Can you think of any public institutions in your community that are made necessary by imperfect conditions of home life?

9. If there is no law forbidding it, has a man the right to make all the money he can by crowding as many tenants into a house as it will hold? Explain.

10. Show how good home life tends to decrease the need for government.

11. Are there any tenement-house laws in your community? If so, what are some of the most important?

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Mr. Riis's books are very interesting and helpful to an understanding of the conditions of the slums.

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ENVIRONMENTS.

1. Feeding her flock. 2. The Homestead. 3. Chums. 4. A Rural Home—telephone, electric lights, free mail delivery—all the conveniences of city life. 5. The seat of government. 6. The bustle and strife of busy city life.

Which do you prefer? Why? Write about each.

CHAPTER VII

THE MAKING OF AMERICANS

NEXT to the ties of family relationship, those of common nationality and language are perhaps the strongest in binding people together in groups. Americans in foreign cities usually drift together and take lodgings in the same locality. When foreigners come to this country, they tend to group themselves together according to their nationality or language. This kind of grouping may assume great importance in a country like ours, where many thousands of foreigners are pouring in upon us every year.

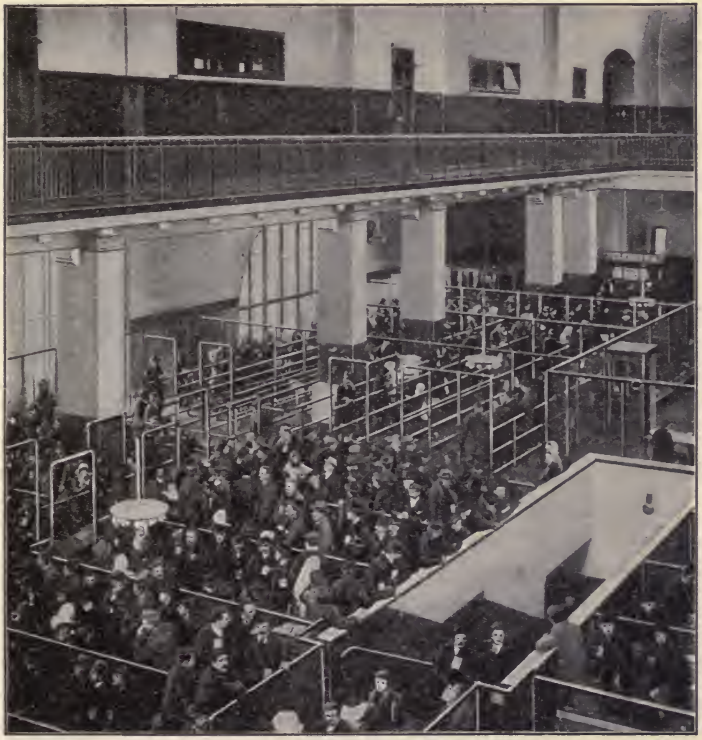
The bond of nationality

America has always been a land of opportunity, and millions of people have come here from foreign lands for the purpose of bettering their condition. Some have come, like the Pilgrims of Plymouth, for religious freedom. Others have come, like the founders of Massachusetts Bay Colony, for political freedom. Many more have come merely to better their material welfare. Thousands are coming every year because here work is plentiful, and the opportunity is great to earn, not merely a living, but land and a home with comforts that were impossible in their native lands. In the ten years from 1896 to 1905, 5,396,761 foreigners settled in the United States, and in each of the years 1905 and 1906 more than 1,000,000 arrived. Among them are representatives of every country of Europe and many from other lands.

The foreign element in the United States

The tendency of these incoming foreigners is to drift to sections of the country where there is already a large number of their countrymen. There are sections of the states of the Northwest where almost the entire population is Swedish. In other states we frequently find large farming communities of Scotch or of

Distribution of foreigners



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IMMIGRANTS AWAITING INSPECTION AT ELLIS ISLAND, NEW YORK HARBOR.

Germans. In some of the coal-mining regions the population is largely Slavic. Manufacturing towns often have

large populations of some one nationality, like the Belgian glass-workers in some parts of Indiana. In cities, where many foreigners settle, they usually arrange themselves by nationality in different sections of the city. Thus we find in New York a section occupied almost exclusively by Italians, another by Chinese, another by Greeks, another by Jews, and so on.

Foreign groups within the nation tend to act as units

These different nationalities not only tend to live in groups, but they also think and act in groups. It is very common to hear at election time of the "German vote" and the "Irish vote." There are also differences in ideas of thrift and industry, in forms of architecture, in home life, and in many other ways. One section of a city may be thrifty and law-abiding because of the habits of the nationality occupying it, while another section will be unsightly and disorderly. Some observers are much concerned at the present time because of the increasing immigration into the United States from the southern and eastern countries of Europe, where the social and political ideas of the people are very different from those of the United States.

The United States a nation of foreigners

There might be great danger to the peace and unity of the United States through the immigration of so many foreigners, if they actually remained for any length of time as distinct national groups within our country. But this is not usually the case. Most of these immigrants begin a process of transformation from Germans, Irish, Poles, or whatever their nationality, into Americans, almost as soon as they have landed. We are a nation of foreigners. Many Americans do not have to go back very far until they find some ancestor just immigrating into this country from a foreign land. The hundreds of thousands who are coming to our

shores this year will, in the course of a few years, be proud of the name of American; and their children, born here, will not be distinguishable from the great mass of Americans.

This breaking down of the differences between the nationalities within our country is due to the growth of common interests among all who live here. All came here for greater freedom of religion, of political belief, of labor. Our government allows to all equal opportunities and equal rights. Only in the case of the Chin-

The growth of common interests

U. S. IMMIGRANT STATION, ELLIS ISLAND.

ese has the government prohibited the immigration of a nationality; and in this case it is because the Chinese remain foreigners, no matter how long they live here. They fail to become Americanized, fail to adopt as their own the interests and the customs of this country.

The Constitution of the United States says: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside" (Amendment XIV). In order to become legal citizens of the United States, therefore, persons born in foreign countries must go through the process of naturalization. They must have lived in the United States at

Naturalization

least five years and in the state one year, and must have declared, before a court, their intention of becoming citizens at least two years before their citizenship papers are given to them. They must also prove good character and declare their intention of observing the principles of the Constitution. They then have all the rights of native-born citizens, except that they may not hold the office of President or Vice-President.

The government has the power to deny citizenship to those who do not prove themselves capable of exercising it properly, and even to send such persons back to the land from which they came. Unfortunately the government has become lax in the enforcement of this law and of the rules of naturalization. Not sufficient care is taken to prove the good character of those who apply for citizenship. Just before elections thousands of foreigners are hastily made citizens in order to secure their votes for one party or the other.

Of the 75,000,000 population of the United States in 1900, there were about 5,000,000 foreigners who were not naturalized. Such persons are known as *aliens*. Aliens enjoy almost, although not quite, all the privileges of citizens. They are entitled to full protection of their lives and property by our government; they may move freely about the country and engage in business; they are entitled to all the privileges of the state courts, and to some privileges of the national courts; they have freedom of religious belief. There are some restrictions against the holding of real estate by aliens; but many states allow it and by the Homestead Act (see page 44) Congress has given millions of acres to aliens. In some states aliens may even vote for state and national officers after having declared their intention of becoming citizens.

Aliens

In the development of our great country, with its vast areas of land to be reduced to the use of man, and with its abundant resources of all kinds, it has always been considered desirable that foreigners should come to our land to make it their home. But it is plain that if they are to be valuable members of our community, they must have or acquire full sympathy with our American ideas. They must become blended with the mass of Americans among whom they live, and become Americans themselves, not merely in dress and language, but in their spirit and principles. Down to the present time this blending has gone on easily and rapidly, because the great mass of the population has always been native born. With the increasing tide of immigration from foreign lands the problem becomes more serious, and calls for greater caution on the part of government as to the admission of immigrants. Most of those who come will undoubtedly make excellent citizens. But there are many who will contribute nothing to our welfare, and some who will even antagonize the law and order which are so necessary in a community.

It is necessary that the foreigners be transformed into Americans

It is necessary that every means be adopted to instruct those who come to our land in the ideals of American citizenship, and to make of them not merely partakers of our liberty, but contributors to our community welfare. The school performs an important service in this direction. It not only instructs the children of foreigners in the English language, United States history, and other subjects that acquaint them with American ideas, but by bringing them in constant association with American children the school hastens the adoption of American ways. Thus these children of foreigners are rapidly transformed into Americans.

The influence of the public school

The influence of government

The very nature of the American government tends to destroy all differences of nationality. It is a fundamental idea of our government that there are certain political rights and privileges held by all in common, which it is the business of the government to protect. Our government is a strong bond of union, not because it holds us together in a forced union, but because we all have an equal interest and share in its benefits and responsibilities.

FOR INVESTIGATION

1. Let each pupil in the class fill in the following blank. Tabulate the results for the whole class on the blackboard, in order to show the blending of nationalities in the present class:

TABLE SHOWING NATIONALITY OF

Father _____ { Father's father _____ / Father's mother _____ } Father's grandparents { _____ / _____ / _____ / _____ }

Mother _____ { Mother's father _____ / Mother's mother _____ } Mother's grandparents { _____ / _____ / _____ / _____ }

2. Make a list of the different nationalities to be found in your community. Do any of these nationalities tend to form groups by themselves? If so, show on a map of your community how this grouping has taken place.

3. Is there any farming community in your neighborhood composed entirely of some one nationality? Are there any industries in your community in which the workmen are wholly or largely of some foreign nationality?

4. Do any of the foreign nationalities in your community tend to act as units (*i.e.* the Irish by themselves, the Italians by themselves) in politics, in religious matters, or in business?

5. Are there any communities in your state composed largely of some one foreign nationality? Where are they? Why did these foreigners settle there? What are their occupations?

6. Gather some facts regarding the number of immigrants to this country, their nationalities, their character and conditions, their distribution through the country and in cities.

7. Debate the question: Foreign immigration should be further restricted by the United States.

8. Debate the question: Should the Chinese be allowed free admission to the United States as in the case of other foreigners?

9. Do you think it is right that aliens should be allowed to vote, as in some states of the Union? Why?

10. Look up the subject of fraudulent naturalization. (See Mayo-Smith, "Emigration and Immigration," pp. 83–85; Hall, "Immigration," pp. 192–197.)

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"Immigration and the Public Health," 64: 232 (January, 1904).

"The Immigrant, Past and Present," 65: 224 (July, 1904).

"Chinese and Japanese Immigration," 66: 117 (December, 1904).

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In favor of:

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In the appendix of Hall's "Immigration," p. 369, there is a more extended bibliography on the subject of immigration.

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Mothers and little ones in the reception room at Ellis Island, having passed their examination, waiting to be released to go out into a new world.

1-5 topics

CHAPTER VIII

HOW THE RELATIONS BETWEEN THE PEOPLE AND THE LAND ARE MADE PERMANENT AND DEFINITE

One of the things that distinguish civilized men from savages is the fixed and permanent character of their communities. Travelers through the unbroken wilderness of America before its settlement by white men reported that they saw many deserted villages. The hunting life of the Indians made a fixed dwelling place undesirable, if not impossible. Their organization into clans and tribes made it of little importance whether they lived in one place or another. In civilized communities, on the other hand, the land is divided into wards, and townships, and counties, and states; and citizens have certain rights and duties which they can enjoy, or exercise, only in that division of the land where they live permanently. In the development of man, every step that united him more closely with the land was a step in the direction of civilization, as when he passed from the life of the hunter to that of the herdsman, or from the life of the herdsman to that of the farmer.

Civilization marked by permanence of communities

The community described in the first chapter did not pitch its tents with the idea of soon moving on. It made arrangements to become a permanent community with definite boundaries and divisions of land (see page 3). A community grows and prospers in proportion as the people and the land unite definitely and permanently.

Permanence aimed at in founding a community

The family helps to bring about this union in a very important way through the building of a home (see page 27).

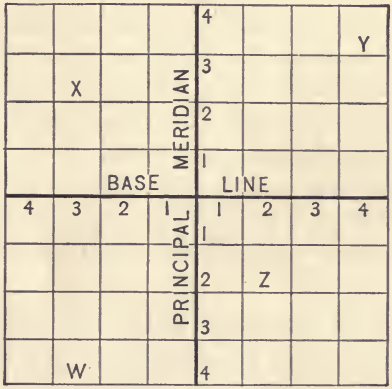
The service of the family in this respect

When the European nations were attempting to colonize America, many of the first settlements failed, chiefly because the settlers were adventurers who had no intention of building homes here. It soon became apparent to the English that if they were to have permanent settlements in this country, it would be necessary to induce men to bring their families and found permanent homes.

In the course of its history our nation has come into possession of vast territories that would be useless if they were not occupied by a population that would develop their resources. Our government has hastened the occupation of this land by appealing to men's desire to own homes. To the men who fought in the Revolutionary War the government gave about 10,000,000 acres of land for settlement, and to the veterans of the Mexican War 60,000,000 acres, or about as much as is comprised in the two states of Indiana and Illinois. In 1862 Congress passed the Homestead Act, which provided that any head of a family might receive a quarter-section of land (160 acres) if he would live on it for five years and pay a small fee. Under this law about 200,000,000 acres have been disposed of for settlement, or nearly as much as the land included in the states of Ohio, Indiana, Illinois, Wisconsin, Minnesota, and Michigan. Besides this, large areas have been sold to individuals at the low price of from $1.25 to $2.50 per acre. Not only farming land, but land rich in timber and minerals has thus been made productive. More than 150,000,000 acres have been given by the government to some of the great Western railroads, which have performed a valuable service in

The settlement of the national domain

opening and developing the new lands. The nation has been enriched, while at the same time individuals, families, and business enterprises have been benefited. In 1900 there were in the United States, not including Alaska and our new island possessions, 533,490,440 acres of land still open to settlement.

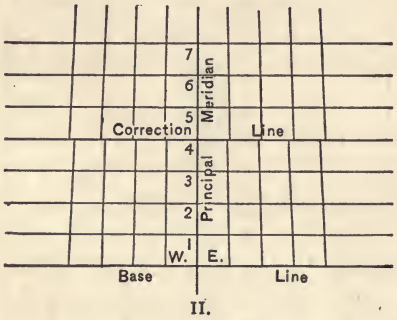


I. X is township 3 north in range 3 west
Y " " 4 " " " 4 east
Z " " 2 south " " 2 "
W " " 4 " " " 3 west.

After the Revolutionary War settlers began to enter the Ohio Valley and claim land for farms. Each settler laid out his own farm with little regard to the claims of others. The result was great confusion and many disputes over boundary lines. The government finally put an end to this state of affairs by making a survey of the whole region and establishing lines by means of which land could be located with certainty. The accompanying diagrams will help to make clear the plan. The survey was begun by establishing certain north and south lines called *principal meridians*. There

The government survey

are now twenty-four of these, the first being the line that separates Ohio from Indiana. The last runs through Oregon. At intervals of six miles east and west of the principal meridians were established other meridians called *range lines*. A parallel of latitude across this country was then chosen as a *base line*, and at intervals



II.

of six miles north and south of the base line other lines were established called *township lines*. Thus the country was divided into *townships*, six miles square. These townships were then numbered east or west from a principal meridian, and north or south from the base line. Since the meridians converge as we go north (see globe), the townships would not be exactly square, but would become smaller as we go toward the pole. To correct this, certain parallels north and south of the base line were chosen as correction lines from which the survey began again, as from the base line. Each township was divided into *sections* one mile square, which therefore contained 640 acres. These sections were numbered in each township from 1 to 36. Each section is divided into halves and quarters. The farm of each settler may be located exactly by means of this survey, and his boundaries are recorded in the offices of the government so that there can be no possible dispute over

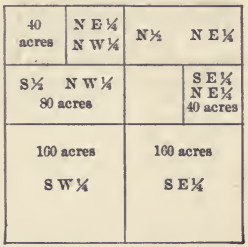
them. In cities the land is further subdivided into *lots* which are also numbered and recorded. Definiteness and permanence are thus secured.

It has been stated that a great deal of the land of the nation remains unsettled. This is called public land. Much of this unsettled public domain will undoubtedly be disposed of to settlers. Some of it, in its present condition, is useless because of its desert character, but it may in part be reclaimed by artificial irrigation. A great deal of desert land has already been reclaimed in the far West. The national government,

Public land

6	5	4	3	2	1
7	a 8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

III. A Township Showing Sections. (36 square miles.) Suppose this to be township X in diagram I. Then the section named a is section 8 of township 3 north in range 3 west.



IV. A Section (640 acres) Suppose this to be section a of diagram III.

Then the 160 acres in the lower right-hand corner is the southeast ¼ of section 8 of township 3 north in range 3 west. The 40 acres marked NE ¼ NW ¼ is the northeast ¼ of the northwest ¼ of section 8 of township 3 north in range 3 west.

through its Reclamation Service, a branch of the Department of the Interior, is undertaking an extensive system of irrigation, constructing great reservoirs and canals in several of the Western states. The government has set aside a number of forest reservations, largely for the purpose of protecting the sources of the great rivers that rise in them.

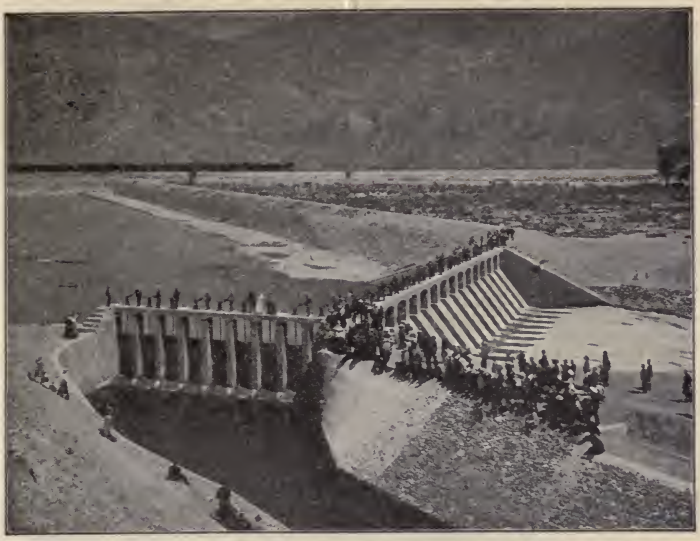
The right of the citizen to be secure in his property is held very sacred in the United States; but when the interests of the individual conflict with those of the community, the former have to yield. The government may control the way in which a citizen uses his land. It may say to him, "You must

Government control of private property

TERRACE IRRIGATION, CALIFORNIA.

keep your premises clean, so as not to endanger the health of the community" (chapter IX). Or, "Within certain limits you shall not erect wooden buildings, because of the danger to the community from fire" (chapter X). It may prohibit some kinds of business in certain parts of the community if they would interfere with safety or comfort, as in the case of saloons.

If the interests of the whole community demand it, the



DIVERSION DAM ON TRUCKEE RIVER, NEVADA.

When the gates in the dam are shut, the river below the dam becomes dry, and the water is diverted through the headgates into the canal in the foreground.

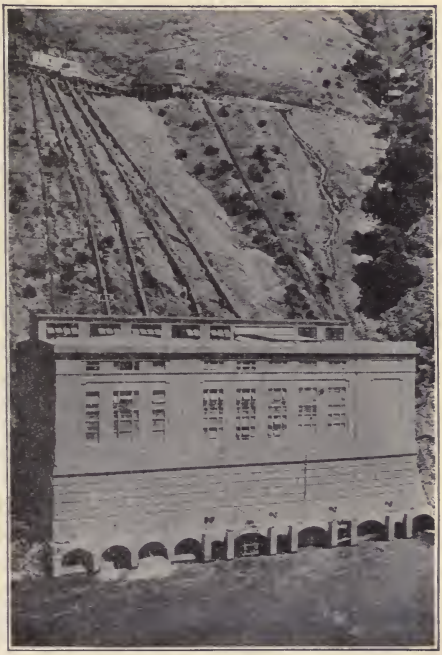
TRUCKEE IRRIGATION CANAL, NEVADA.

The canal is cement-lined and during the irrigating season carries the entire flow of the Truckee River thirty miles into the valley of the Carson River, the flow of which it supplements, and is then led by ditches over the land.

ORANGE GROVES, RIVERSIDE, CAL.

government may even take away the land of a citizen and devote it to public uses. This is called the *right of eminent domain.* For example, if the national government wishes to build a post office, it may *condemn* the property of private citizens. The state has the same right and permits cities, counties, and townships to exercise it. Thus, if the interests of the community call for a new street, it may be constructed through the property of individuals, even to the extent of removing buildings. So, also, a road may be built through a man's farm by the county government. The state also grants the exercise of the right of eminent domain to railroads, because of the important public service rendered by them. In exercising the right of eminent domain a very important condition must be complied with: *the citizen must be paid a just amount for his property.* The Constitution of the United States provides, "nor shall private property be taken for public use without just com-

The right of eminent domain



POWER HOUSE NEAR OROVILLE, CAL.
This plant furnishes power and light for cities hundreds of miles away.

pensation" (Amendment V, last clause). If a dispute arises between the citizen and the government (or the railroad) over the price of the land, the matter may be brought before a court for settlement.

There are certain conditions under which the government may take private property without the consent of the owner, and without paying for it. This is an exercise of the *police power;* it may be sufficiently illustrated by referring to San Francisco at the time of the fire which followed the earthquake. In order to check the spread of the fire, the soldiers blew up with dynamite a great many buildings which had not been previously injured. This was a destruction of property for the good of the community.

The granting of franchises

Communities may grant the use of their highways to private corporations that render important public service, such as street railways, telephone and telegraph companies, and water and gas companies. The right to use public property in this way is called a *franchise.* In return for the privileges of a franchise the corporation must render definite services to the community, such as supplying light of a good quality, water that is pure, street-car service that can be depended upon. The government in granting the franchise is acting solely for the community, and should look carefully after the community's welfare. Unfortunately the officers of the government do not always do their duty in this matter, and franchises are granted that benefit a few individuals without securing due advantage to the community (see chapter XIV).

It was said in the first paragraph of this chapter that our rights and duties as citizens are determined largely by our place of residence. Citizens of the United States

have certain political rights, such as voting and holding office, and certain duties, such as paying taxes. These rights may be enjoyed, and the duties performed, only within certain districts which the government creates for this purpose. Were it not for this restriction, unutterable confusion would exist. Thus, a citizen has the right to vote within the state where he lives but not in any other state. The boundaries of the states are established by the national government (except the original thirteen states of the Union, whose boundaries were fixed before the national government was organized); but they may not be changed afterward without the consent of the state. The states organize themselves into counties and townships.[1] Villages and cities are granted definite boundaries by the state government, and organize themselves into wards and precincts. There are also congressional, judicial, and revenue districts, the boundaries of which are fixed by the governments of the states or nation. Residence in any of these districts carries with it duties and rights that the citizen does not have elsewhere.

Political divisions of the land

FOR INVESTIGATION

1. What were the original boundaries of the town or city in which you live? How was the original town laid out? On a map of your city mark the original city limits.
2. Whence does the city get its authority to add to its territory?
3. Report on the coming of the first important factories to your community, and show how they gave permanence to the community.
4. Report on the coming of the first railroad to your community, and its effect on the permanence and growth of the community.
5. Are there any business associations in your community that aid

[1] In the West this *political township* usually corresponds with the township surveyed by the national government. See pages 45, 46.

citizens in obtaining homes of their own, such as Building and Loan Associations? If so, report how they operate.

6. Find out from a real estate agent, or in some other way, how a piece of land in your community is laid off into lots.

7. Make a map of your county, showing townships.

8. Find out in what range your township is with reference to the nearest principal meridian. Also, what is the number of your township from the base line? (These facts may be learned from the map of the United States, published by the U. S. Land Office, and mentioned below.)

9. If you live in a city, try to locate the lot in which you dwell by lot number, section, township, etc. (See the deed giving title to the property, or the records in the county clerk's office, or in the office of the city engineer.)

10. Report more fully upon the Homestead Law. (See references.)

11. Do you know any instance of the exercise of the right of eminent domain in your community? Explain.

12. What are some of the ways in which the government regulates the use of the land you live on?

13. Make a list of the land owned by the government in your community, and state whether it belongs to nation, state, or local community.

14. Describe the ward divisions of your city. How were they laid out? How may their boundaries be changed?

15. Are there any forest or park reservations in your state? If so, what is their purpose? Locate them. Do they belong to state or nation?

16. Report on what has been done in the reclaiming of desert lands in the West by irrigation. (See references.)

17. Has any land been given to your state by the national government for purposes other than schools? If so, what?

REFERENCES

A map of the United States published by the U. S. Land Office, which can be secured for $1.25, shows the government survey of the Western lands, including principal meridians, base lines, and township and range lines. It also shows forest and Indian reservations, lighthouses and life-saving stations, and other matters useful in the study.

Printed information regarding local matters, such as are suggested in some of the topics at the end of this chapter, is very meager in many communities. Let the pupils endeavor to find as much as they can in

a reasonable time. County and city maps are usually available at the city and county offices, if nowhere else. There should be a city and a county map in each civics classroom.

The "New International Encyclopedia" and the "Encyclopedia Americana" are excellent for looking up topics of national importance, such as Irrigation, Public Lands, Homestead Act. These encyclopedias will be of use throughout the study.

Hart's "Actual Government" has an excellent chapter on Land and Landholding, including a discussion of private, corporate, and government landholding, the public lands, the government survey, the Homestead Act. This book is most valuable as a book for the teacher's desk, and will be found to cover practically every topic, local, state, or national, referred to in this text-book.

On the subject of irrigation the following are good:

The *Pacific Monthly*, September, 1906. Contains a series of articles explaining the work of the United States Reclamation Service in the various irrigation districts of the West.

"An Object Lesson in Irrigation," *Review of Reviews*, 31 : 701 (1905).

"The Winning of the Desert," *Outing*, 45 : 545 (1905).

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"Reclamation," *Outlook*, 83 : 933 (1906).

"Uncle Sam's Romance with Science and the Soil," *Arena*, 35 : 36.

IRRIGATION DAM AND DITCH.

1-5

CHAPTER IX

HOW THE COMMUNITY AIDS THE CITIZEN TO SATISFY HIS DESIRE FOR HEALTH

COMMUNITIES have developed through the efforts of men to satisfy their desires (see chapter IV). In so far as the community provides for the wants of its citizens, it is a good community; if it fails to provide for any of them, it is an imperfect community, and the lives of the citizens will be incomplete. The desire for health is the first to be provided for.

The protection of health in the family

In the conditions in which the pioneer family lived, life and health were almost wholly dependent upon the efforts and the arrangements of the family itself. With the clearing of the wilderness and the advance of civilization, the preservation of life and health has become much less simple and direct. Not that the responsibility of the family has decreased in any way: it has rather become greater; but the health of the individual has become dependent upon so many things outside of the family that the latter alone cannot provide fully for it.

New dangers arise with the growth of communities

With the growth of the community, while the dangers peculiar to the wilderness have disappeared, new ones have arisen to beset the life and health of the citizen. Streams that were originally clear and sparkling, supplying fish for food and water to drink, when passing through the crowded settlements of men become impure with the refuse of factories and the sewage of dwellings. They then pour

1. A section of the canal cut through solid rock.

2. A section of the canal where it passes from the solid rock to the soft earth.

3. The Chicago Drainage Canal.

THREE VIEWS OF THE CHICAGO DRAINAGE CANAL.

A Sanitary Barn for Stock, California.

Testing Milk at University Farm, Davis, Cal.

forth vile odors and disease germs. The drinking water from wells and streams becomes unsafe. With the increase of population the danger of epidemics of disease increases. Impure and unwholesome food is sold in the markets and over the counters of the stores. Wild beasts and savages are no longer to be feared; but unprotected railroad crossings, rapidly running trolley cars and automobiles, poorly constructed buildings and elevators, burning buildings, and robbers and thugs, constantly threaten the life of the unwary. In the crowded cities a vigorous outdoor life is wanting. Men, women, and children grow pale and sickly because of indoor occupations, lack of exercise, and the breathing of air vitiated by smoke and foul odors. Whatever disadvantages the country child may suffer from an isolated life, his chances for a sound and healthy body, a most priceless possession, are generally greater than the city child's.

As the community grows and the people become busy with their various callings, it becomes necessary to arrange for systematic protection, and to center the responsibility for it upon some designated person or group of persons. With the organization of a government, it is given supervision over the health arrangements. In the community described in the first chapter, the trustees of the town were assigned the duty of "securing the general health of the inhabitants," and of "keeping in repair the drains and sewers." When the stream which ran through the town became clogged with sawdust from the mill, the trustees appointed a committee of one to investigate. He reported and pledged himself, "should mildness and good nature fail, to lend a hand in applying the strong arm of the law." Again, a little later, information was received of the

Government is given charge over the health arrangements

approach of a band of Swedish immigrants afflicted with cholera. Aid was sent to them, but they were warned not to enter the town, and an appeal was published in the little newspaper urging all to "use every means to avert the impending danger. Let your premises be thoroughly cleansed and purified. Remove everything that will tend to invite disease." A *board of health* was soon created, and a *commissioner of health* was appointed who was to have general supervision over the sanitation of the town and report to the board for action. A *health policeman* was also appointed. He inspected drains, sinks, and cellars in private houses, and fruits and meats in the markets. A *city physician* was appointed to care for the sick among the poor, and was paid by the community for his services. In large cities the officers who have supervision of the health arrangements are more numerous than in the smaller communities, and their duties are more extensive. They are all usually under the direction of the board of health.

Sewers and water supply

With the growth of a community the separate and inadequate drains of individual householders soon give way to an extensive system of sewers underlying all the streets, connections being made with every lot and house in the city. Here the natural slope and drainage of the community become very important, because they determine the ease and effectiveness with which the sewage can be carried away. Sometimes it is drained into a stream that runs through or near the city. This is dangerous to health unless the stream is converted into a closed sewer or is kept purified in some way. In Chicago the sewage is drained into the Chicago River, and thus, until recently, was carried into Lake Michigan, whence the people draw their supply of drinking water. The result was a great deal of

sickness, such as typhoid fever. The river also was a menace to health, because it was a foul-smelling and disease-breeding stream. Chemists were employed by the city to examine the drinking water and report its condition in the newspapers each day. The more careful families boiled all water used for drinking. But in spite of these precautions thousands of people were made sick, and many died each year as a result of drinking this bad water. This situation was greatly improved by the construction of a drainage canal which carries the water of the Chicago River into the Illinois River, and thence into the Mississippi, instead of allowing it to flow into the lake. This effectually disposes of the sewage of Chicago, keeps the river flushed, and prevents the lake from being contaminated. No better expenditure of money can be made by a city than that devoted to securing good water and properly disposing of sewage. These methods affect the health of every citizen.

COMMUNITY DRINKING CUP.

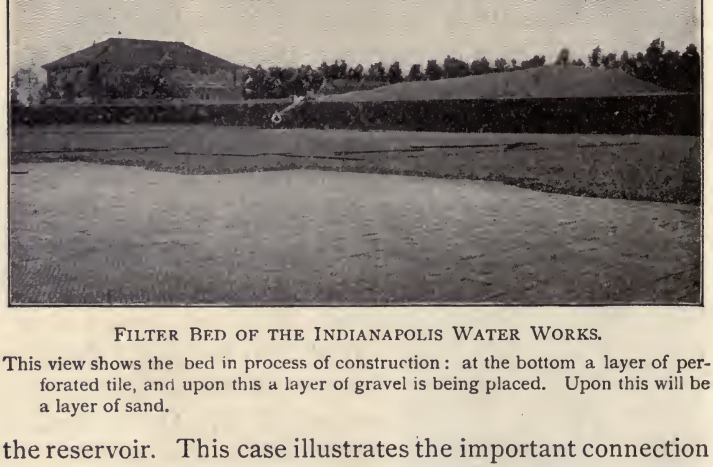
Beware of the community drinking cup — it spreads contagious diseases.

HYGIENIC DRINKING FOUNTAIN.

Use the hygienic drinking fountain wherever possible; it is sanitary and the safer way.

A few years ago an epidemic of typhoid fever appeared in an Eastern city, resulting in the death of a great

many people and the sickness of many more. A careful inspection disclosed the fact that there had been a case of typhoid fever in a family living near the reservoir from which the city drew its water supply, and that this family had not been careful in the disposal of its sewage. The ground about the house had become infected with the disease, and heavy rains had carried the disease germs into



FILTER BED OF THE INDIANAPOLIS WATER WORKS.

This view shows the bed in process of construction: at the bottom a layer of perforated tile, and upon this a layer of gravel is being placed. Upon this will be a layer of sand.

the reservoir. This case illustrates the important connection between the drainage, the water supply, and the health of a community. It illustrates also the heavy responsibility of the individual citizen and family for the welfare of the whole community. The larger the community, the greater is the problem of preserving health.

Cleanliness

The most important precaution against disease is cleanliness. This is a matter that must be looked after principally in the home. If each family would take proper precautions to secure cleanliness and plenty of

fresh air, not only would the problem of disease in the community be largely solved, but the expense of government would be greatly decreased. Because of the failure of the family and of the individual citizen to do their part, the community, through its government, enacts ordinances to compel people to keep their premises clean and their drains in proper condition. Ordinances usually exist to prevent the filthy and dangerous practice of spitting in public places. This practice is one of the most effective means of spreading some of the worst diseases, such as tuberculosis or consumption, and the ordinances to prevent it are among the most important enacted by our city governments. Unfortunately they are also among those most seldom enforced and most often violated. Here is one of the cases where constant and concerted action on the part of all cleanly and well-informed persons is necessary to secure the enforcement of the law. (5-11)

Street cleaning and smoke inspection

Every city has its street-cleaning department, which does not always do its work as well as it should. In large cities it consists of an army of men, with horses and wagons and suitable machinery for sweeping and cleansing the streets and alleys. These men are under the supervision of a board or a commissioner, acting under the authority of the government (see chapter XXII). There are also *smoke inspectors*, whose work is important in keeping the atmosphere pure. If the stoking of the furnaces in factories and large buildings is done properly, the smoke nuisance can be greatly lessened. There are smoke consumers which aid in the consumption of the smoke that is otherwise poured out of the chimneys over the community; but the expense and trouble of putting them in prevents many men from doing so. The community should insist, however, that the smoke

nuisance be removed as far as possible, not only because it is detrimental to health, but also because it mars the beauty of the city.

Of great importance in large cities is the system of parks provided for the recreation of the people. In small towns parks are not of such great importance from the standpoint of health; but in crowded cities every breathing place, where fresh, pure air and grass and trees can be found and enjoyed by the people, is of untold value. One of the best of the charitable works in large cities is that by which thousands of poor children are sent to the country or the seashore, or to "fresh-air farms," during the summer months. This is doing much to lessen the death rate and the sickness in the crowded tenement districts. In the rapid growth of American cities not enough care has been taken to provide for parks. Provision should be made in all growing cities to leave spaces that may be converted into beautiful and refreshing parks as need arises. In some cities playgrounds are being established and provided with tennis courts, ball grounds, and gymnastic apparatus. The opening of school yards as playgrounds during vacation periods is a good practice that is growing.

Parks and playgrounds

Cities have hospitals, some supported by private organizations, such as churches, and some supported at public expense. The public hospitals are under the charge of physicians, surgeons, and nurses paid out of the public treasury. Precautions are taken against the spread of contagious diseases. The government has the right to declare a *quarantine* against a home, or even against a whole section of the city; this means that, in case of the existence of a contagious disease, the occupants of the dwelling or of the section of the city may be prevented from leaving it, and others prevented from

Hospitals; quarantine

A Municipal Playground.

CHILDREN'S PLAY GROUNDS, GOLDEN GATE PARK, SAN FRANCISCO.

CHILDREN'S PLAY GROUNDS, ECHO PARK, LOS ANGELES.

entering it. Physicians are required by law to report contagious disease to the health officers, who placard the house, proclaiming the existence of the disease. Persons in whose homes such diseases exist may be prevented from going about their ordinary business, and the children from going to school. Physicians sometimes grow careless about reporting such cases of sickness, and families, thinking solely of their own convenience, often try to conceal the presence of contagious disease in their homes. This is not good citizenship. Such families endanger the health of others. Much is being done in some of our cities to prevent the spread of disease by a systematic medical inspection in the schools.

Just as an individual, or a family, is dependent for health on other individuals and families in the neighborhood, so also a community is more or less dependent on other communities for its health. This is especially true in these days when the means of communication are so fully developed and when traveling is so common. Contagious diseases spread rapidly from town to town, and not infrequently cover large districts at the same time. When an epidemic of smallpox breaks out in one city, it is likely to appear in other cities, and even in the country districts. Any ship that enters our harbors may bring with it diseases from the slums of Europe or of Asia. When a factory pollutes the stream that runs by it with refuse, it threatens the health, not only of the immediate community in which it is situated, but also of other communities farther down the stream. When Chicago turned its sewage into the drainage canal, and thence into the Illinois and Mississippi rivers, cities and towns for many miles along these streams became very much alarmed, and St. Louis, which derives

Dependence of one community upon another for health

its drinking water from the Mississippi, brought suit in the courts against Chicago. Our community life is very complicated, and it is not always easy to foresee how the actions of one individual or community may affect the lives of others.

On account of this interdependence in matters pertaining to health, it is not safe to leave their regulation wholly to each separate community, any more than to leave it to each separate family. The common interests of all the communities within a given area must be guarded by some common authority. Hence the state, through its government, makes provision for the health of all the people subject to its laws. There is a *state board of health* which has supervision over these matters. The state government endeavors to prevent the pollution of the streams. Laws are enacted to prevent the adulteration of foods. A state government may declare a quarantine against neighboring states when contagious diseases are prevalent. City, county, and township governments, in their regulation of matters pertaining to health, must conform to the broader regulations of the state.

Necessity for state supervision over health

INCINERATOR FOR BURNING GARBAGE OF A CITY. WHY NECESSARY?

While the protection of the health of citizens is left almost entirely in the hands of the state and local governments, there are some things that can be better looked after by the national government, because they are of national interest. All immigrants from foreign countries are required to undergo a medical inspection before they

A WADING POOL IN A MUNICIPAL PLAYGROUND.

The building contains gymnasiums, baths, refreshment rooms, reading rooms, and lecture rooms. All are furnished by the city government.

Permission of Dr. Ernest B. Hoag.

A Medical Officer at Work in the Public Schools.

are allowed to land. If signs of disease are found, the passengers of the ship may be quarantined until the danger of contagion is past. Immigrants who are in such physical condition that they are unable to care for themselves, and would therefore be a burden on the community, are required to return to the country from which they came. In a recent session of Congress laws were passed providing for the inspection of meats put up in the packing houses of the country, and to prevent the adulteration of foods with injurious materials. Since the product of a great packing or canning establishment is sent all over the country, its purity is a matter of national interest, and therefore is a proper subject for regulation by the national government.

What the national government does for the health of citizens

The community is thus doing a great deal, through its governments, to preserve the life and health of its citizens, and it owes to each citizen a reasonable assurance that protection will be afforded. On the other hand, each citizen owes something to the community in this matter. As we have seen, the health of the whole community depends largely upon the cleanliness and watchfulness of each family. The responsibility of the citizen goes much further than this. He should do what he can to secure from the government the best possible service in these matters. If a man employs a watchman to guard his premises at night, and the watchman fails to do his duty, the owner will certainly call him to task, and will take every precaution against a repetition of the negligence. The people have a right to demand that their government watchmen do their work well, and to hold them accountable for every failure. It is unfortunate that the officials charged with important duties of govern-

The responsibility of the citizen

ment, even in such matters as protecting our lives and health, often become negligent and careless. They cannot be relieved of the blame for this. Yet their poor service is largely the fault of the citizens themselves, who do not take the trouble or the interest to inquire how their servants are doing their work, or to call them to account when it is badly done. Each citizen must constantly keep his eyes open, and endeavor to maintain a lively public sentiment in these matters by constant discussion. He should always be willing to call attention to any remissness in the enforcement of the laws. This is not merely a duty to others; his own welfare depends on it.

FOR INVESTIGATION

1. When your community was first founded, were the geographical conditions favorable or unfavorable to health? As the community has grown, have these geographical conditions become more or less favorable? Explain.

2. How is health cared for in the average farmer's family? In a city family?

3. If there are any records available from which to gain the information, compare the means of protecting health in the early days of your community with the means used at present.

4. If you live in a rural community, what is done by the county and township governments for the protection of your health?

5. If there is a board of health in your city, of how many members does it consist? How is it chosen? What are its duties?

6. What officers are employed by the city for the protection of health? Report on their various duties.

7. Report on the street-cleaning department — what it does, what it costs, how it is managed, etc.

8. Report on the sewage system of your community. How is the sewage disposed of? Cost? Efficiency?

9. Report on the methods of disposing of garbage in different cities. What methods seem to be best? What method is used in your city?

10. Report on the water supply for drinking purposes. To what extent are private wells used? What is the source of the public

water supply? Compare the purity of the water from private wells and from the public supply.

11. Do you know of any epidemic (such as typhoid fever) that has appeared in your community, and that was directly traceable to impure drinking water?

12. Report on means of keeping the atmosphere pure in your community.

13. What means are employed in your community to secure pure food?

14. Report on the park system of your community. How is it managed? Is anything being done to establish public playgrounds?

15. Is the ventilation of your school building good? Can you do anything yourself to improve it?

16. Write an essay on the subject, "The Relation of Athletics in the School to the Health of the Community."

17. Is there any kind of medical inspection in your school? If so, explain its working. Find out if there are any well-established cases where epidemics have been prevented or checked by school medical inspection in your community, or in other cities.

18. What are some of the ordinances in your community for the protection of health? Are any of these ordinances commonly violated? If so, why? Can you do anything to help secure the enforcement of such ordinances?

19. Report on the work of your state board of health. (So far as possible printed reports should be secured directly from the proper offices.)

20. What other state health officers are there? What is their work?

21. Look up the story of how our government waged war on disease in Cuba. What have been the results? Why should our national government interest itself in the matter? (The same may be done with reference to the Philippines or the Panama Canal Zone.)

22. Look up the story of the most recent war against yellow fever in our own Southern states. Was it carried on by the local, state, or national government? Why?

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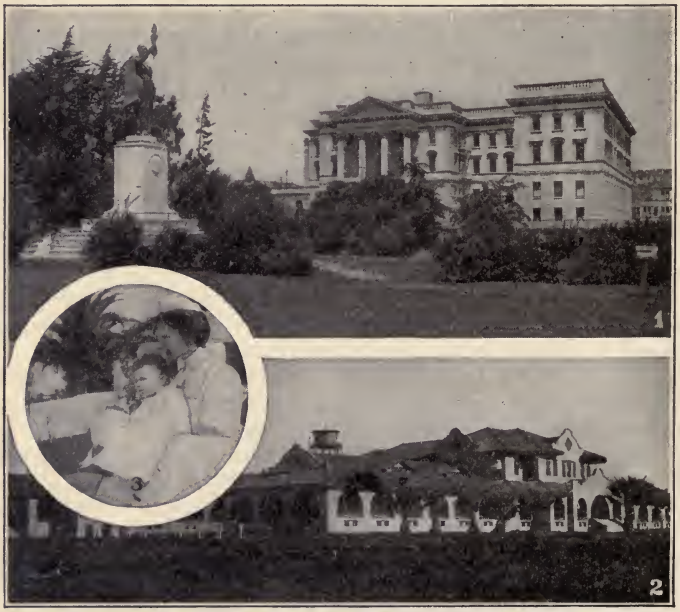

FOR THE CARE OF THE SICK.

1. Southern Pacific Hospital, San Francisco.
2. Fresno County Hospital.
3. Graduate nurse with little patient.

1-7

CHAPTER X

HOW THE COMMUNITY AIDS THE CITIZEN TO PROTECT HIS LIFE AND PROPERTY

One of the chief sources of danger to property, and often to life, is fire. The loss from fire in the United States every year amounts to about $150,000,000. Much of this might be avoided if each citizen were more careful; but fire is too powerful an enemy to be left to the individual or to the family to cope with, especially in cities. If a farmer's house or barn is burned, he himself, or some member of his family, is usually to blame for it, and he must depend on his own efforts to prevent the loss. In the city the safety of a citizen's home depends largely on his neighbors. Fire is an enemy that endangers the whole community; the whole community must unite for defense against it.

Danger from fire

In Philadelphia, in Benjamin Franklin's time, "each householder kept in his shop or his pantry a bucket and fourteen-foot swab; while the city provided hooks, ladders, and three rude engines of English make. At the first cry of fire the whole town was in excitement; the laborer quit his work, the apprentice dropped his tools, buyers and sellers swarmed from the market, and the shopkeeper, calling his wife to watch his goods, seized his bucket and hurried away. About the burning building all was confusion and disorder. No man was in authority. Each man did as he pleased. Some fell into line and helped to pass the full buckets from the pump to the engine, or the

Early methods of fire fighting

empty buckets from the engine to the pump; some caught up the hooks and pulled down blazing boards and shingles; some rushed into the building with their bags, and came out laden with household stuff." Franklin, who was always on the lookout for opportunities to improve the condition of his community, thought that "if so much could be done in a way so bad, a hundredfold more could be done if a little order were introduced." He aided in the organization of several fire companies equipped with the best apparatus of the times and working together under discipline, which greatly reduced the losses from fire in Philadelphia.

Until recently the fire companies of cities were volunteer organizations, whose efficiency was kept up largely through the spirit of rivalry. Frequent tournaments were held in which the companies of the community, or of the neighboring towns, contested with each other in running, climbing ladders, and other feats. Such organizations may still be found in small communities.

Volunteer fire companies

In modern cities the fire-fighting arrangements are much more complicated and effective. Steam fire engines and elaborate apparatus of all kinds have been invented. Horses, trained until they show almost human intelligence, draw the engines and trucks to the fire at a run. A system of electric signals is in operation in every city, so that a fire can be announced instantly to the nearest fire station, and within a minute after the receipt of the signal the horses are going down the street at a gallop, with men and apparatus. The firemen are organized into permanent companies with perfect discipline, and are paid by the community. The whole department is under the direction of a chief, who is appointed by the mayor or by a board. The New York City fire department is the largest in the world and com-

Modern fire-fighting arrangements

prises about 2500 firemen, 1000 horses, 200 fire engines, more than 100 hook and ladder trucks, and several fire boats for the protection of property along the water front.

The water supply

An important part of the means of protection against fire is a reliable water supply. At first private wells and cisterns supplied water for fires; then public cisterns were built at convenient points. Now every large city is supplied with water from some unfailing source. Cities on the Great Lakes, like Chicago, draw their water from them. Cincinnati and St. Louis receive theirs from the rivers on which they are situated. Inland cities sometimes get their water from deep wells. It is often necessary to provide storage reservoirs. The water is forced to every part of the city through pipes, and hydrants at the street corners or other convenient points serve for the attachment of hose. Waterworks are sometimes owned and operated by cities themselves, but usually by private companies which receive a franchise from the city.

Efficiency of city fire departments

No department of the public service in cities is better organized or more efficient than the fire department. It has upon it a great responsibility, and the community will not be satisfied with anything but the greatest efficiency possible. The service requires men of intelligence, sobriety, courage, and endurance; men who are willing constantly to risk their lives for the good of all.

Faulty construction of buildings as a cause of loss from fires

It has been said that seven eighths of the fires that occur are the result of a lack of proper precautions in building. That this is true is due, in part, to a lack of intelligence on the part of builders; in part to the willingness of men to take chances for the sake of cheapness. In either case the person responsible for poor construction of buildings is a

menace to the community. A builder is showing good citizenship when he does his job well; poor citizenship, when he does it badly through ignorance, carelessness, or avarice.

Building ordinances

Communities try to protect themselves against loss of property and life from fire by means of laws regulating the materials used in construction, the height of buildings, the number of exits, the presence of fire escapes, and many other details. Building inspectors are appointed. An unsafe building may be condemned and its use forbidden until its defects are remedied. It would seem that the people would take a great interest in the safe construction of their buildings, and that the laws protecting them would be rigidly enforced; but such is not always the case. For a long time no accident happens. The people become careless, and the laws regulating building are violated constantly. It requires some great disaster to arouse the people to their own responsibility. Such was the Iroquois theatre fire in Chicago, in 1903, in which 600 people lost their lives.

Fire insurance companies

In order to prevent great loss to individuals from fire, fire insurance companies have been organized. It is to be noted, however, that insurance companies do not actually prevent the loss of property. They merely distribute that loss among many citizens. When a man insures his property, he has to pay the company a *premium* for the protection afforded. The premiums of thousands of persons produce a large sum of money out of which the occasional losses by an individual are met. Thousands of property owners in all parts of the land are thus sharing in the losses of individuals. When the great fire occurred in San Francisco, following the earthquake in 1906, the loss fell very heavily on the in-

surance companies. In order to meet the loss many companies raised the rates of insurance all over the country. Thus people everywhere were helping to bear the burden. Fire insurance companies have an influence in keeping fire departments efficient, for they raise the rates of insurance when they think that fire protection is not so good as it should be. The people who have to pay these rates then demand better equipment and better organization in their fire departments.

RESPONDING TO AN ALARM OF FIRE IN A CITY.

Property and life are endangered also by thieves and other enemies of good order. In rough communities on the frontier, before government and law are well established, as in the early days of California, the honest but rough citizens sometimes protect themselves by voluntary organizations, known as *vigilance committees*. They seek out offenders and punish them promptly, too often without giving them a fair trial.

Danger from law-breakers

One of the most sacred rights of Americans is the right to a fair trial, before a jury of fellow-citizens, even though the accused is known to be guilty. This right is guaranteed in the Constitution of the United

The right to a fair trial

States, which says also that no cruel and unusual punishments shall be inflicted (see Amendments VI and VIII). It declares also that no person shall be "deprived of life, liberty, or property without due process of law" (Amendment V).

Our local governments have officers to protect the life and property of citizens, and to arrest persons who interfere with the rights of others. In townships there are constables; in counties, sheriffs and their deputies; in cities, the police department. The police department requires a high degree of organization because of the complex conditions of city life. Before the middle of the last century the police of our cities were as poorly organized as the fire departments of Franklin's time. In New York, although the population numbered more than 300,000, the policing of the city at night was performed by a body of citizens who pursued other occupations during the day. In the city of greater New York the police force consists to-day of about 8000 men, or as many as constituted the American army at its best during the Revolutionary War. It is organized very much like an army, under a chief of police and many subordinate officers.

The police

A City Police Officer.

The police of a city patrol its streets at all times of the day and night to protect property and life against vio-

lence. They keep order in crowds; they guard dangerous street crossings, assisting people across and regulating the movements of vehicles; they assist the health department in enforcing its regulations; they render aid at fires in keeping the crowds back for their own safety, and to prevent interference with the work of the firemen; they restore lost children to their homes. As in the case of the fire department, the duties of the police require strength, courage, and intelligence. It is a misfortune, however, that the police departments of our cities are not always as efficient as the fire departments (see page 204). The police department of the city often works together with the sheriff of the county and his deputies, and in times of great danger private citizens may be sworn into service to aid the police. At all times the police may call on private citizens for aid if necessary. Offenders against the persons or property of citizens are brought for trial before the police (or magistrates') courts of cities; or, for more serious offenses, before the higher courts of the state (see chapter XXIII).

Duties of the police

Another important arrangement for the safety of property and life is a system of street lighting. In ancient cities, as at Rome, the streets were narrow and crooked, and at night were totally dark, except as citizens lighted their way with torches. Philadelphia had no regular system of street lamps until it was established by Franklin. Modern American cities as a rule have broad, straight, paved streets, illuminated at night by electric lights. The street-lighting plant is sometimes owned by the city and managed by the government; but it is usually in the hands of private companies paid by the city for their services.

Street lighting

Communities often regulate certain kinds of business for

the sake of safety. The manufacture of explosives is dangerous to life and property, and is therefore usually carried on under restrictions as to the location of the factory. The liquor traffic is often restricted to certain localities, and is checked by the imposition of license fees. In some communities it is prohibited altogether. A large part of the policing of a city is made necessary by the disorders growing out of the sale of intoxicating liquors. Pawn shops are subject to regulation by government to prevent them from receiving and disposing of stolen goods.

Regulation of business for safety

In a large community each man's life and safety depend, to a great extent, on the carefulness of others. The thousands of people who travel on the cars each day are at the mercy of those who run the train — the engineer, the conductor, the switchman, the train dispatcher. Gross carelessness on the part of such responsible persons may be considered a criminal offense, and may be punished by the proper authorities; but it is better to prevent accidents than to punish the responsible person after the accident occurs. Therefore the work of such persons is usually regulated by law, and arrangements are made to prevent accident. Railroads may be compelled to station watchmen at dangerous crossings, to provide gates that are closed at the approach of a train, or to run their tracks across streets on elevated roadways or underneath the street. The rate of speed at which a train, or electric car, or automobile may run is established by law, and violations of the law are punishable by fine. The government also appoints building inspectors and boiler inspectors. These are only examples of many precautions taken to prevent accident to life and property.

Prevention of accidents

Here again we have to notice the constant violation and

lax enforcement of the law. Trains rush through cities and across streets at unlawful speed. Street cars and automobiles do the same. Railroads often resist as long as they can attempts to compel them to elevate their tracks, or to provide safety gates. Elevators are run by incompetent persons and without inspection of the machinery. Inspectors do their work in a careless manner. Theaters and school houses are built without due regard to the number and position of exits and to proper ventilation and heating. The individual who disregards the regulations imposed by the community, even in such slight matters as the speed of his bicycle, or the lighting of its lamp on a dark night, is helping to make his community an unsafe and unpleasant place in which to live.

Lax enforcement of laws to prevent accident

Although the protection of property and life is thus largely in the hands of the local communities, most of the laws that constables, sheriffs, and the police are called on to enforce are made by the state government, and apply alike to all the communities of the state.

Service of the state in protecting life and property

The state militia corresponds, in a measure, to the police of cities. In theory, the militia consists of all able-bodied men between the ages of eighteen and forty-five, who could be called out in time of great public danger to restore order or to repel invasion. In fact, however, it is composed of a number of regiments of volunteers, organized in companies in various communities of the state. In case of riot or disorder which the local authorities cannot handle, the governor may be called on to send one or more companies to aid in restoring order, as has been done in the case of riots among striking coal miners in Illinois and Pennsylvania. The militia of the several states may be called out by the President of the

The state militia

United States to suppress insurrection or to repel invasion. It may not, however, be sent by him for duty outside of the United States. As an organized army in time of war the militia has shown some defects. In the Revolution and in the War of 1812 it caused much trouble because of the jealousies of the several states. Governors sometimes refused to allow their militia to go outside of their states. Then, too, as in recent wars, the militia companies have sometimes proved poorly officered, poorly drilled and equipped, and impatient of discipline.

National defense

For the defense of our national possessions and of the liberty of our citizens against enemies from without, we maintain an army and a navy. Our army is very small as compared with the armies of other nations. Our geographical position, separated as we are from other great powers, has made a large standing army unnecessary. The belief of the founders of our nation was that a large standing army was dangerous to the liberties of the people and a burden of expense. Our policy therefore has always been in favor of as small an army as is consistent with our national safety. In time of war our dependence has been chiefly on the militia or army of citizens enlisted for the occasion. At the time of the Civil War an army of more than 2,000,000 men was raised by enlistment in the North, and one of 1,000,000 men in the South. At the present time it would be possible to raise a vastly greater army than this, although our standing army of regular soldiers numbers less than 100,000 men.

The army

The army not only defends our territory against invasion, but it may also be sent to any part of the world to protect the rights of American citizens. It may be called on to quell local disturbances when the state authorities are unable to do so. In 1894 a great strike

United States Naval Training Station, Goat Island, San Francisco Bay.

UNITED STATES LIGHTHOUSE, MILE ROCK, GOLDEN GATE, CAL.

UNITED STATES BATTLESHIP *OREGON*. BUILT AT SAN FRANCISCO.

occurred in Chicago, during which much property was destroyed and commerce between the states was interfered with. The local and state authorities failing to quell the disturbance, the President of the United States, who is commander-in-chief of the army, sent troops to restore order. At the time of the earthquake and fire in San Francisco national troops from the fort near by were

STATE MILITIA.
Congressman Kahn, Governor Gillett, and staff.

rushed into the city to help in maintaining order and in protecting property and life. They, of course, coöperated with the state militia and the city police. The national troops are usually more effective in restoring order than either the militia or the police.

The navy is another means of national protection. It has been the policy of the American government to limit our navy to the smallest size consistent with national safety, as in the case of the army. But because of our rapidly growing commerce and the increasing interests of American citizens in foreign lands, together

The navy

with the acquisition of territory across the seas, a strong navy has become more essential than a large army. At the present time our navy compares favorably in strength with the navies of other large nations.

Life-saving on the coast

The national government has done a great deal for the protection of life and property by removing obstructions to navigation along the coast, by improving harbors, as at New York and at the mouth of the Columbia River, by erecting lighthouses and

UNITED STATES LIFE SAVING STATION, LAKE MICHIGAN.

establishing life-saving stations. Every year the life-savers perform deeds of heroism by which scores of lives and thousands of dollars' worth of property are saved. The national government has constructed levees along some of our rivers, as on the lower courses of the Mississippi, for the protection of the land against floods.

We may learn from this chapter that the protection of health, life, and property is placed almost wholly in the hands of the local governments; that the state govern-

ment acts only when the welfare of the whole state demands it, or when the difficulties to be met are beyond the powers of the local authorities; and that the national government acts for the nation at large, and interferes in local protection only when the interests of the whole nation are at stake, or when the local and state authorities prove themselves incapable of handling the situation.

Protection chiefly in the hands of local and state governments

AN OHIO RIVER FLOOD SEEN FROM THE TOP OF THE LEVEE AT LAWRENCEBURG, IND.

The city is now entirely protected by the great embankment. Notice the railroad tracks on the levee for safety.

FOR INVESTIGATION

1. What were the means of fighting fires in your community in the early days? (Inquire of old residents.) How did the methods compare with those of Franklin's time?

2. Describe the organization of the fire department in your city. How is the highest degree of efficiency among the firemen secured?

3. Report on the waterworks system of your city. Is it efficient? If not, why?

4. Try to find out the chief causes of the fires in your community in the last year.

5. From the city ordinances find some of the regulations regarding the construction of buildings.

6. Is there building inspection in your community? Is violation of building ordinances common?

7. Report on the duties of the constable. Of the sheriff.

8. Describe the organization of the police department. What qualifications must a man have to receive appointment as a policeman in your community?

9. Look up the services of Benjamin Franklin in Philadelphia in improving the fire department, the night watch, and the lighting of the streets (see Franklin's Autobiography).

10. What is the method of street lighting in your community? Is it done by the community itself, or by a private company? Is it as well done as it should be?

11. What kinds of business in your community are regulated for the protection of life and property?

12. What other ways can you find in which property is protected besides those mentioned in this chapter?

13. Investigate the subject of the violation of speed regulations, and other regulations to secure safety on the streets of your city.

14. Have you an organization of militia in your community? Find out what you can about its organization. Try to find out something about the following points: *a*. What is the numerical strength of the militia in your state? *b*. How are its officers chosen? *c*. What is the relation between your state militia and the national army? *d*. What instances do you know of your state militia being called out to suppress disorder?

15. Find out what you can about the organization of the United States army.

16. Find out what you can about the organization of the United States navy.

17. Find out what you can about the work of the life-saving service of the United States.

REFERENCES

For information regarding the organization of branches of local government, such as the fire and police departments, the city charter and city ordinances may be consulted. In many cases there may be printed reports of the departments in question. It will often be impracticable to expect the whole class to gather full information on such matters; but one or two pupils may make special reports.

Benjamin Franklin's Autobiography.

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Kaler, James Otis, "The Life Savers."

Adams, W. H. S., "The Story of our Lighthouses and Light Ships."

"Heroes of Peace," *Century Magazine*, 55 : 925; 58 : 210.

"History and Organization of the Life-saving Service"; a pamphlet that may be obtained from the Superintendent of the Life-Saving Service, Washington, D.C.

The location of lighthouses and life-saving stations may be seen on the Land Office Map of the United States already referred to.

FIRE ENGINE HOUSE.

Automobile Fire Engine, California.

CHAPTER XI

THE RELATION BETWEEN THE COMMUNITY AND THE CITIZEN IN BUSINESS LIFE

A LARGE part of the activity of the people of every community is due to their desire for wealth, and constitutes the business life of the community. It is well to remember that, when we speak of wealth in this connection, we do not necessarily mean great riches, but all material goods, however much or little, for which men are willing to work. In many people the desire for wealth is very strong, and sometimes becomes a passion that smothers the other desires of life; then it tends to make men narrow and selfish, and to interfere with their greatest usefulness in the community. Wealth is worth having only when it contributes to the health, the knowledge, the beautiful surroundings — in a word, to the complete life of those who possess it. But whether the purpose be to attain completeness of life, or merely to satisfy greed, or perhaps to enjoy the excite ment of the game of business, the business life of a community always occupies a large part of the attention of the people.

The business life of a community

The dependence of each citizen on the community is nowhere seen more clearly than in his business life; nowhere is his responsibility to the community greater; nowhere is there greater opportunity for good citizenship.

How dependent the individual is on the community for

success in satisfying his desire for wealth might be shown in many ways, but we shall take only one or two illustrations. The pioneer family was almost wholly dependent on its own efforts for the accumulation of wealth, and consequently this wealth was very limited in quantity and quality. The articles of home manufacture were usually few and rough. There were few materials to select from, and the many things to be done left little time for doing any one thing except in the simplest way possible. All the members of the family contributed to the common result, and they divided the work so that each had his special tasks and became more skillful than the others in their performance. All worked together for the common good, and each received a share of the results of the labor of all.

The pioneer family was dependent largely on itself

As this small community consisting of one family was increased by other families, a better opportunity was given for a division of labor. One member of the original family, who had formerly made the shoes for his family only, on account of his skill at that work and because of the demands of the additional families, was now enabled to devote his entire time to shoe making. Members of these new families were skillful in other crafts, one a baker, another a weaver, another a miller, and another a blacksmith. The needs of the community for bread, clothing, flour, and tools were now sufficient to enable the baker, the weaver, the miller, and the blacksmith to devote their entire time to their trades, thus both increasing the amount and improving the quality of their products. One after another the duties of the farmer were lessened until finally it became his special business to provide farm products for the whole

The results of a division of labor

community in return for the things that the others did for him.

Effect of modern industrial organization

With the introduction of machinery and the building of factories where hundreds of men are employed, the division of tasks has become more complete, and each worker rarely produces more than one thing. In well-organized factories, each workman devotes his entire time to producing one small part of each article. In a factory for the manufacture of milling machinery, for example, one set of workmen does nothing but chip the surface of millstones with hammers to make them rough. They apparently contribute very little to the general welfare; but the community provides them with a living in order that they may do this one thing, and do it well. We say that they receive so much a day for their work. In reality they are being supplied with bread and meat, clothing and shelter, furniture and tools, medicines and doctors' services, education for their children, religious teaching on Sundays, entertainment at the theaters, and scores of other things, in exchange for their monotonous and apparently unimportant work of putting rough surfaces on millstones.

Geographical division of labor

Division of occupations also takes place in accordance with geographical location. This is of great importance in a large community like our nation. In some parts of the country corn is the chief product; in others cotton; in others fruit. In some parts cattle or sheep raising takes the place of farming; in other parts mining. The different metals are found in different localities. In one place lumbering is the chief occupation; in another place fishing. One region becomes famous for its cotton manufactures; another for silk;

another for iron. The gardener who gives his whole time to raising vegetables to supply the market of some small city receives in return bread from wheat raised in the Dakotas; clothing manufactured in New England from cotton raised in Texas, or from wool raised in Montana. He uses wagons made in Indiana of timber raised in the South and of iron mined in Minnesota and smelted in Ohio.

A Market Scene.

In these days of large business enterprises, the men who run the machines and perform labor of other kinds are not usually the men who furnish these machines and the other forms of capital. The men who furnish the capital and those who furnish the labor are dependent on each other. It is true that they often act toward each other as if their interests were antagonistic. Although the workingmen are far more numerous than their employers, the latter have usually had the advantage in a conflict, because their greater wealth enables them to sustain themselves in idleness for a time without suffering. In order to protect

Dependence of employer and employee on each other

their own interests workingmen in many trades and industries have organized themselves into *unions*, so that by acting together they may secure from their employers a recognition of their rights. This is well, provided that the unions remember always that their employers and the community at large also have rights which must be regarded. "Neither can take advantage of the other without the common interest suffering. The mutual object of both is to produce the best possible article at the lowest possible price, in order to place it within reach of the greatest possible number of purchasers."

Thus we see how every worker in the community is dependent on all the other workers. The success of each depends very largely on how well the whole business organization of the community does its work. On the other hand, the community depends on each individual, and on each class of workers, to do his or its work well. Each citizen, as a worker in the business life of the community, has upon him a great responsibility.

The life of a community is a life of productive work

A man engages in business activities primarily to satisfy the wants of himself and his family. But he can do this only by performing work that will be useful to others, and that will help to satisfy their desires. A carpenter, in order to gain a livelihood and to provide his family with the comforts of life, must build houses for others. He may be most concerned about *what he will receive* for his work; the community is most concerned about *what he produces*. If he does careful, skillful work, he is considered a valuable member of the community. If he is careless, or a poor workman, he is considered in that respect a poor citizen. Good citizenship shows itself in the productive work of a man more than in any other way.

The history of our country has been very largely a story of the clearing of forests, of the reclaiming of the soil for agriculture, of the opening of mines, and of the growth of commerce, manufactures, and cities. It is a story of the building of railroads and steamboats, of telegraphs and telephones. The men who have done these things are as much the builders of

The builders of our nation

TWO VIEWS OF AN ENGINE FACTORY.
Showing how the factory has been given attractive appearance.
Notice the vine-covered buildings and smoke-stack.

our nation as the men who made our constitutions and organized our governments. The men and women who are to-day working on the farms or in the mines, in factories and shops, in stores and offices, or in other lines of business, are as truly doing their country a service as those who hold the offices of government. Both kinds of service are necessary, and in either case patriotic citizenship consists in giving to the community the best service possible.

It is important that the citizen should realize that, in the work by which he makes a living, he has a great responsibility toward the other members of the community.

The employee is responsible to his employer for the very best work he can do, for the employer is depending on him to help in producing the best possible article for the use of the community. The employer, on the other hand, is responsible for the welfare of those who work for him. A constantly increasing number of employers are coming to realize that this means more than merely giving fair wages to the employees and are providing them with better places in which to work, with healthful and pleasant surroundings, and with arrangements for their comfort and convenience. In some cases employers are even aiding their workmen to secure pleasant and comfortable homes, knowing that the better their workmen are cared for by them, the more earnestly will they work for the success of the business.

The responsibility of the citizen in business

Every citizen in his business life is under obligations to the community as a whole. No man's business belongs to himself alone; it belongs also to the community. The community enters into a sort of agreement with him in regard to his business, to the effect that if he will perform a certain service for the community, the community will support him. If he is a merchant or a manufacturer, the community has a right to expect from him honest goods and full measure. If he is a mechanic, it has the right to expect from him good workmanship. If he is engaged in the management of a railroad, it has a right to demand safety, comfort, and reasonable rates. No matter what his occupation may be, nor how large or how small his business, he is sure to show the character of his citizenship in the character of the product of his labor.

A citizen's business is also the community's business

But the citizen in business has a greater responsibility than for the quality of the product of his work. Business

life, and in fact the whole life of the community, could not be successfully carried on if it were not for the confidence that men have in each other. Think for a moment what confusion and unhappiness there would be if it were not for this confidence. When we ride on the railroad, we need confidence in the excellence of the work of those who made the locomotive, of those who laid the rails and built the bridges, of those who run the train, and of those who arrange the schedule and give the signals. When we buy food, or clothing, or any other product of human labor, we must have confidence in the merchant and in the manufacturer before we willingly part with the money that we have earned by our own efforts. When we receive money for our work, we must have confidence in the government that stamps the bills with its promise to pay a certain sum.

The responsibility of the citizen for confidence

By far the greater part of the business dealings between individuals, between communities, and between nations, is carried on by a system of credit, which is based on the confidence that men feel in one another and in the arrangements of the business world. Men would never deposit their money in banks if it were not for the confidence they feel in the banks, and in the government and laws that are behind them. Every accident on the railroads causes men to lose confidence, not only in the man who was guilty of carelessness, but also in the management of railroads in general. When an employer finds that he cannot trust one of his employees, it tends to destroy confidence in all employees. Every failure on the part of an individual to meet his business obligations tends to destroy the confidence of men in one another's business integrity. In short, every exhibition of dishonesty or inefficiency on the part of a citizen in his business relations helps to

undermine the confidence of the community, and to shake the foundation upon which the community rests.

Patriotism in business life

It is one of the best marks of good citizenship to perform the most efficient work possible, whatever one's calling. We call it patriotism when a man gives all that he has, even his life if necessary, for the good of his country, without stopping to consider whether he will receive an equal benefit in return. There is no higher type of patriotism than that which leads a citizen to perform his best service for the community in his daily calling, not for what he can get for it, but for what he can give.

FOR INVESTIGATION

1. Find out what the early settlers in your community had to pay for the land. What is the same land worth now? What has produced the change in value?

2. Compare the extent to which a farmer's family is dependent on others in making a living, with that to which a city family is dependent.

3. Make a list of twelve or fifteen different occupations in your community. How many of these did each family have to carry on for itself in the early days of your community?

4. What advantages can you see in a division of tasks or occupations? What disadvantages?

5. Visit a factory in your community and report on the division of labor that you find there.

6. Take the list of occupations mentioned in the paragraph on geographical division of occupations (page 84) and locate on a map of the United States a region characterized by each. Show how geographical conditions determine this division of occupations.

7. Is there a geographical division of occupations in your state? Draw a map of your state and locate characteristic industries.

8. Make a list of the different kinds of workmen that have been engaged in producing the different objects in your schoolroom. What different parts of the United States have contributed to the equipment of your schoolroom?

9. Show how a strike of workmen against their employers injures the employers; the workmen themselves; the whole community. (Use for illustration a strike that has occurred in your own community.)

10. Is it true, in your community, that the most useful citizens are those who care more about the excellence of their work than about what they receive for it? Illustrate.

11. So far as your experience goes, what boys have been most successful in business — those who make it a practice to do all they can for their employers, or those who have tried to do the least possible?

12. Who have been some of the builders of your own community by reason of their business life? Explain.

13. Show how a few dishonest pupils in a school will tend to destroy confidence throughout the whole school. What are some of the results of this loss of confidence on the life of the school?

14. Do you know of any case in your community in which the failure of some individual to do his whole duty in business has shaken the confidence of the entire community?

15. Are there any business establishments in your community in which special efforts are made to provide for the welfare and comfort of the employees? What is the effect upon the employees? Upon the business? Upon the community?

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Meakin, Budgett, "Model Factories and Villages." Gives an excellent account of what employers are doing for their employees in this country and in Europe.

Earle, Alice Morse, "Colonial Dames and Good Wives," chapter XII, "Fireside Industries."

THE WELL-KEPT HOME OF AN EMPLOYEE OF A MINING COMPANY.

This company is much interested in the welfare of its employees, and encourages them in the improvement of their homes.

CHAPTER XII

HOW THE GOVERNMENT AIDS THE CITIZEN IN HIS BUSINESS LIFE

SECURITY in one's material possessions has always been one of the most sacred rights of Americans. The Revolutionary War was brought on because the English government persistently refused to recognize this right of the colonists. It took away a part of their property by taxation without asking their consent. It passed laws interfering with their commerce and manufactures. It quartered troops in their houses without their permission. It gave its officers unlimited power to search their houses and ships without duly protecting the rights of innocent and law-abiding citizens. When independence had been won and a constitution was to be adopted, the people demanded a sure protection of this right to their property. They refused to ratify the Constitution until amendments guaranteeing security in their possessions had been promised.

The sacredness of property rights

The colonists recognized the necessity of some regulation of their property rights and of their business relations by government. Nowhere else do individuals come into conflict with each other so often as in their business relations. Most of the disputes brought before the courts for settlement are over business or property matters. Such matters concern the individual so closely that the colonists believed that their regulation should be under their own control

The desire for self-government in business matters

through their local colonial governments. The same idea prevailed when our Constitution was framed. Business matters were not placed under the authority of the national government, except such as concern the relations between citizens of this country and those of foreign countries, or between citizens of two or more states. Each state has unlimited control over all business relations within its own borders. At the same time, it is the policy of our state governments to leave to each citizen as much individual freedom in his business activities as is consistent with the welfare of the community.

State control over all ordinary business relations.

When a group of men wish to organize as a corporation for manufacturing purposes, or to build and operate a railroad, or to do an insurance business, it is almost always the state that gives them the authority. The state has done much to aid business by the construction of roads (see chapter XIV). The state protects the interests of workingmen and workingwomen. Most of the states have laws permitting the incorporation of labor unions. State laws place restrictions on the labor of children and limit the number of hours that women may work in factories. State laws also provide for the health of workers in factories and mines by requiring employers to maintain good sanitary conditions, and by a system of inspection to see that the requirements are carried out. In some of the more recent state constitutions special safeguards are thrown about the working classes. In the older constitutions such provisions are not found because, when these constitutions were framed, labor organizations and the factory system did not exist. In these older states the legislatures enact, from time to time, such laws as seem necessary. State laws also endeavor to prevent the community from being de-

frauded by persons and corporations that seek to render dishonest or inefficient service.

The need of a national government

During the Revolutionary War and after it, until the Constitution was adopted, the thirteen states were bound together in a very loose Confederation merely for purposes of common defense. There were few laws applying to all the states alike. There was little uniformity among them in their methods of regulating the business relations of their citizens. Each state had its own form of money. Each was at liberty to levy taxes on goods brought from other states, thus tending to check commerce. So little uniformity was there, so bitter were the jealousies among the states, and so great did the confusion become, that the Confederation was about to fall to pieces, and the fruits of the Revolution were in danger of being lost. It was this danger, due to the confusion in business affairs, that led to the calling of the convention that framed our present Constitution. It was found necessary to have a government that could protect the common business interests of all the states alike.

The powers of Congress in business matters

The Congress created by the Constitution was given the power, which the Congress of the Confederation had not had, of laying and collecting taxes "for the common defense and general welfare," but it was provided that the "duties, imposts, and excises shall be uniform throughout the United States" (Art. I, sec. 8, clause 1). The states were forbidden to lay duties on goods coming in from other states, so that interstate commerce should not be interfered with. Congress was also given power "to regulate commerce with foreign nations and among the several states, and with the Indian tribes" (Art. I, sec. 8, clause 3). In

UNITED STATES MINT, SAN FRANCISCO.

FEDERAL BUILDING, POST OFFICE, SAN FRANCISCO.

THE CONGRESSIONAL LIBRARY, WASHINGTON.

order to maintain successful business relations in a community it is necessary that there be a reliable and uniform system of money; and since this was a matter of common interest to all the states, Congress was given power "to coin money," and to "regulate the value thereof." Under these last powers Congress has established mints for the coining of money, has enacted laws providing for a uniform currency, and has established a national banking system which is not merely an aid to the government in regulating the currency and in borrowing money, but is also a great convenience to the business men of the whole country. Congress was also given the power to fix the standard of weights and measures (Art. I, sec. 8, clause 5).

Under its power to regulate foreign commerce, Congress has levied import duties sufficiently heavy to check the importation of foreign manufactures, and thus to encourage the manufacture of these articles at home. It has also established a consular system to look after the commercial relations of this country with foreign nations. Consuls are appointed by our government to go to the important cities of all civilized countries. Among their many duties, they investigate the products and manufactures of the countries to which they are sent, try to create a market in those countries for products of the United States, and, in general, try to stimulate favorable business relations between our country and all the world. Under its power to regulate commerce between the states, Congress has passed laws to regulate the business of corporations doing business in more than one state, such as railroads and packing houses. Among the most important aids rendered to the business interests of the country is the postal service, created and operated by the national government (see chapter XIV). The most

Foreign and interstate commerce

recent department of the executive branch of government to be created by Congress is the Department of Commerce and Labor, the chief purpose of which is to investigate the industrial conditions of our country, and to recommend such legislation as seems desirable or necessary for the welfare of the nation.

The purpose of government is to afford opportunity

While some of this regulation of business by the state and national governments seems to impose restrictions on particular business interests, its purpose is nevertheless to further the interests of the country at large. The purpose of the government is not to hedge the citizen about with restrictions on his activities, but to afford him the greatest possible opportunity for material prosperity. Sometimes the interests of the individual must yield before the interests of the community; but usually, in the long run, the advantage of the community will also be the advantage of the individual. Occasionally a law is unwisely or dishonestly enacted which benefits a small class to the detriment of the majority of the people. Such legislation is un-American, for the underlying principle of American government is the greatest possible good to the greatest possible number.

FOR INVESTIGATION

1. Which of the first ten amendments to the Constitution of the United States guarantee the property rights of citizens? Explain each of these amendments.

2. Get a list, or summary, of the laws passed during the last session of your state legislature, and note about what proportion of them are for the regulation of business matters. Study the list to get an idea of the different kinds of business matters dealt with.

3. Is there anything in your state constitution for the protection of the interests of the workingmen? Anything for the regulation of business corporations?

4. What laws are there in your state for the regulation of the labor of children? Of women?

5. Is there any system of factory inspection in your state? If so, what is the nature and purpose of the inspection?

6. Mention some recent laws passed by Congress under its power to regulate interstate commerce.

7. How does a bank help business men? Are there any other banks besides national banks? Explain.

8. Make a report on the United States mint.

9. Investigate the organization and duties of the consular service.

10. Do you know any laws that are said to be for the benefit of a privileged few to the injury of the many?

11. Make a report on the business confusion during the time of the Confederation.

REFERENCES

Consult State Constitution, page 257.

It is probable that a summary of the laws passed by the last legislature can be obtained from the office of the secretary of state. It would be desirable to have on the teacher's desk a copy of the revised statutes of the state.

Copies of the laws regulating the labor of women and children, factory inspection, etc., can usually be had by applying to the bureaus or departments of the state government dealing with such matters. The general treatment of these subjects, as also of the United States mint and the consular service, can be found in the New International Encyclopedia.

Fiske's "The Critical Period of American History" has an excellent chapter on the business confusion during the Confederation. (Chapter IV, "Drifting Toward Anarchy.")

Hart's "Actual Government" will again be found useful in connection with this chapter: especially the chapters on "Commercial Organization" (chapter XXVI) and "Foreign Commerce" (chapter XXIV), and the section on "Consuls," on page 436.

Somehow the lesson must be brought to our pupils that "the worth of the state in the long run is the worth of the individuals composing it," and that, therefore, true men are the real assets of the Republic.

— BISHOP EDWIN H. HUGHES.

CHAPTER XIII

WASTE AND SAVING

In the accumulation of wealth, saving is as important as production. Waste must be avoided. There is usually a good deal of waste in the household. There is waste in clothing through lack of proper care, through unwise purchasing of unsuitable materials, and through extravagance in the purchase of unnecessary articles. There is waste in fuel, sometimes by overheating the houses, sometimes by improper care of the furnaces or stoves. One of the greatest wastes is in the matter of food. "Scraps" are thrown away that a skillful housekeeper would use. Unnecessary quantities of food are bought and prepared. Many a good dish is spoiled in the cooking. Another waste is due to ignorance of the nourishing values of different articles of food. The man who works with his hands in the open air, constantly exercising his muscles, needs a different kind of nourishment from the student who sits at his desk all day. Those who are fed on the wrong kinds of food, or on food improperly prepared, cannot do as good work as they otherwise could. Not the least important means of securing good citizenship, as shown in effective work in the community, is a better management of the kitchens in the homes of the community.

Waste in the household

It is said that more than three fourths of the household expenditures in our country are made by the women. It

LEARNING DOMESTIC ECONOMY.

A lesson in cooking in a high school.

DOMESTIC ECONOMY — CLASS IN SEWING.
Grammar School, Santa Barbara, Cal.

DOMESTIC ECONOMY — CLASS IN COOKING.
Grammar School, Santa Barbara, Cal.

is a highly important service to the community for the girls who are to become the managers of the households to learn the lesson of saving. In the pioneer days every girl learned at home the details of house management. In modern life, especially in cities, it is not always so. It is now recognized that, in the attempts to improve the conditions of life in the slums of a city, one of the first things to do is to teach the people who live there how to save in their households, in order to get the best results from what they have.

Women are the managers of the household

In recent years the school has been assuming some of the responsibility for the education of the girls in domestic science. Courses in cooking and sewing are offered in an increasingly large number of public and private schools. Universities are training young women to become teachers of domestic science. It is being recognized, as it should be, that the skillful management of a household is as useful and honorable a service to the community as the management of a business.

The responsibility of the school

The successful business man always tries to avoid waste. By introducing smoke consumers, or by employing skillful stokers, he converts the smoke of his furnaces into steam power instead of pouring it out in clouds over the community. In a well-managed sawmill not only is the body of the logs sawed into lumber, but the waste from this process is made into tool handles, chair rounds, and other small articles. The pieces of wood that are too small for manufacturing purposes may be sold in cities for kindling. Even the sawdust is put to various uses. When the refining of petroleum oil was first begun, there was a great deal of waste product. From this former waste there are now produced many valuable by-

Waste in business

products, such as paraffin, vaseline, and dyestuffs. The by-products of a manufacturing process are sometimes more valuable than the main product.

Saving is not hoarding

Saving money does not mean hoarding it. He who hoards is really wasteful, for the money that he hoards might be invested in such a way that it would produce more wealth. He might buy machinery with it for manufacturing purposes; he might build houses with it to rent; he might buy a stock of goods with it, and sell them at profit; or he might lend the money to others who wish the use of it and receive interest.

Saving by investment is a duty

It is the duty of every person to save by investing the surplus of his earnings, so far as he is able to do so. In the first place, he should endeavor to put it beyond a possibility that he shall ever be a burden on others for his support, or for the support of his family, in time of sickness, old age, or lack of employment. In the second place, it is through the investment of savings that productive industries are maintained, and the wealth of the community is increased. The man who saves by investment supplies the community with factories, machinery, railways, and other forms of capital. He also becomes an employer of labor. He thus contributes to the prosperity of the community.

Waste in government

Wastefulness is often found in the management of the community's business by government. It is seen in many forms. Through a false idea of economy improvements that would result in real economy are not made: as when roads or streets are allowed to remain unimproved, thus causing an unnecessary expense in transportation. For lack of funds pavements that have been built at great expense are allowed to go without repair from year to year until the whole work has to be done

over again; or the equipment of a fire department may be allowed to deteriorate, while the loss from fires increases.

Wastefulness often results from inefficient service on the part of employees of the government. Salaries are sometimes paid to men who are incompetent, and who hold their positions only through political favoritism. Sometimes costly improvements are undertaken when they are not really necessary, or when something less costly would serve equally well, in order to give employment to political favorites. Franchises are sometimes given for the use of public highways without due compensation to the community. These are only a few of the possible ways in which waste may occur in the government of a community. It is found not only in local government, but also in state and national governments.

Wastefulness in government may often be attributed to the incompetence of officials, sometimes to their dishonesty. It is often due to too little sense of responsibility on their part for the wise expenditure of money that belongs to the public; for "the public" means to them nobody in particular. But after all, wastefulness in the government of the community is largely the fault of the citizens themselves. They are inclined to place the responsibility for unwise expenditures and other forms of wastefulness upon the officers of government, unmindful of the fact that it is their own business that is being mismanaged. Each citizen owes it to himself and to the community to use every means at his command to secure an economical administration of the affairs of his community, so that the investments of citizens in the community will bring the largest possible returns.

Who is responsible for an economical government?

FOR INVESTIGATION

1. What are some of the ways in which you are wasteful?
2. What are some ways of preventing waste in your household?
3. Investigate some factory or business establishment to find out how waste is avoided.
4. Visit a gas factory and find out what by-products of value result from the manufacture of gas.
5. What other industries do you know in which there are useful by-products?
6. What are some of the ways in which men save by investment? Show how each of these methods of investment benefits the community.
7. Mention some ways in which waste occurs in the government of your community. How would you suggest that these wastes be avoided?

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CENTRAL BANK BUILDING, OAKLAND, CALIFORNIA.
"Economy is the road to wealth."

CHAPTER XIV

HOW THE COMMUNITY AIDS THE CITIZEN IN TRANSPORTATION AND COMMUNICATION

You will recall that in seeking a site for the community described in the first chapter, the exploring committee was to notice whether there were roads or canals near by. The very nature of a community implies that there must be communication, for without it there could be no way of acting together. One of the obstacles in the way of united action among the thirteen American colonies was the absence of good roads connecting them. The trip from New York to Boston in those times required six days. A traveler tells us of spending a month in making the journey from New York to Washington at a little later time. Under such conditions it is not strange that it was difficult to develop a spirit of union among the colonies.

Community life implies communication

In the early part of the last century it cost $125 to haul a ton of goods from Philadelphia to Pittsburg by wagon, the only means of transportation. It cost $2.50 to carry a bushel of salt three hundred miles. Wheat could not profitably be transported by wagon more than one hundred and fifty miles, because it could not be sold at a price to cover the cost of transportation. When the cost of transportation was so great, the commonest articles of household use to-day were luxuries which the people could not afford. The cause of all this was excessively bad roads.

Cost of transportation

The food supply of the nation comes from the farms. The raw materials for manufacture come from the farms, the forest, and the mines. The comfort of living for all of us, in the city as well as in the country, depends in a great degree on the ease with which these raw products can be brought from the country districts. It is said that ninety-five per cent of every load by train, steamship, or express, must be carted over a highway. The country roads are the foundation of our transportation system. And yet they have been given comparatively little attention, and America is far behind many other civilized countries in the construction and preservation of roads.

Importance of country roads

The character of the land has great importance in determining good or bad roads. In the fertile prairies of the West, although the land is almost as level as a floor, the roads often become impassable in wet weather. Where there are hills, the cost of hauling is twice as much as in a level country, because only half as much can be hauled in each load. The effect of the character of the land on roadways seems not to have been fully considered in America. Many of our roads run straight over hills, or through swamp land, which adds both to the difficulties of transportation and to the expense of keeping the roads in repair.

Geography and good roads

The methods of road building and repairing in the United States have been wasteful of the people's money. Not only has little care been exercised, frequently, in the location of the roads, but their construction and repair have been left to the farmers in the neighborhood. In Indiana, for example, each township trustee levies an annual tax on the property of the farmers for the purpose of road improvement. This tax may be worked out by the farmers.

Wasteful methods of road making

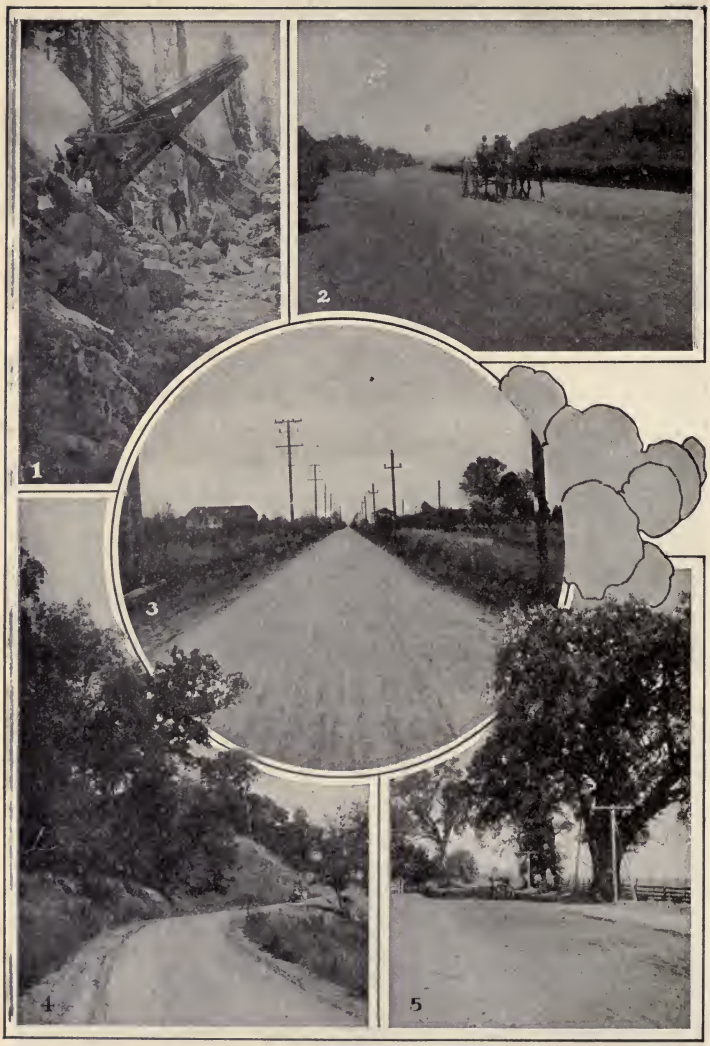
1. The road in its original condition.

2. Laying the foundation course.

3. Finishing the road.

ROAD MAKING BY THE NATIONAL GOVERNMENT.

This road in Tennessee was selected for improvement as an object lesson. The photographs were furnished by the Public Roads Inquiry Office, Dept. of Agriculture.



GOOD ROADS IN CALIFORNIA.

1. Building mountain road.
2. Oiled road.
3. Macadamized road.
4. Grade road.
5. Valley county road.

Every able-bodied man between the ages of twenty-one and fifty years, residing in a road district of a township, is required to perform not less than two nor more than four days' labor on the public roads each year or to furnish a substitute; or he may pay to the road overseer $1.50 a day for each day that he should have worked.

The making of a good road requires scientific knowledge and skill, and is work that should be supervised by a trained engineer. The practice of requiring the farmers to work on the roads should be abandoned, and the tax, paid in money, should be devoted to the employment of skilled engineers. Improvement in the character of the roads has been secured in some cases by placing their management in the hands of the county government instead of leaving it under the control of the township. Management by the county helps to secure more uniformly good roads over a larger area, and makes it possible to secure better supervision, because the road taxes of the whole county can be devoted to the employment of a county engineer. In those sections where the people have shown that they really want good roads, much progress has been made toward getting them. The first thing necessary is to arouse public interest in the matter. That there has been so little interest in the past is due to ignorance of the importance of the roads to the entire community, and of the methods by which they may be secured. In the last few years the National Good Roads Association has done much to arouse public interest and to secure legislation in many states. The farmers are likely to object to the first cost of improvements, until it is shown that the better roads enable them to haul larger loads and to make quicker time, thus saving, in a few years, more than the improvements cost.

Improvement in methods of road making

In the beginning of our national history the question of road making became important in connection with the settlement of the West and the preservation of the Union.

EXAMPLE OF PERMANENT ROAD WORK, NAPA COUNTY, CALIFORNIA.

The one great example of road building by the United States government is the National, or Cumberland, Road.

The National Road

This road was authorized by Congress in 1806, and was to extend from Cumberland, Md., into Ohio, to aid in the settlement of the West. It was extended finally as far west as Illinois. It afterward passed under the control of the states through which it ran, and thence was given over to the management of the counties. Many turnpikes were also built by private companies, for the use of which tolls were charged.

The introduction of canals and of railroads caused the private turnpikes to become unprofitable, and the feeling

State management of roads

grew that the country highways were a matter for local management. At the present time it is recognized that good country roads are a benefit, not only to the farmers living on them, but also to the people of that county, and even to the whole state,

including the towns and cities. Some of the states, mostly in the East, are therefore making a systematic reform in road making. The movement is slowly spreading west. In New Jersey a state highway law was passed in 1892. It created a state commissioner of public roads, and provided that when two thirds of the property owners along a road petition the county for improvements they shall be made.

COMBINED RAILROAD AND COUNTY BRIDGE ACROSS THE SACRAMENTO RIVER, CAL.

One tenth of the cost is paid by the property owners along the road, one third by the state, and the remainder by the people of the county in which the improvement is made. The expense is thus distributed over the whole state, although the main part is borne by the immediate community. The work is done under the direction of a county engineer, but must be approved by the state commission. Similar systems have been adopted in other states.

Road making, especially in an unsettled country, is difficult, and the cost of transportation by wagon is heavy. In the early days of our country, therefore, water routes were always used when possible. The rivers were the natural highways into the West, and

River transportation

schemes were early proposed to improve them, as when Washington urged the improvement of the Potomac. The invention of the steamboat by Robert Fulton in 1806 gave a great impetus to water transportation, and steamboats were soon plying the rivers, both in the East and in the West, as well as the Great Lakes. The rapid development of railways checked the use of the rivers, although they are still an important factor in the transportation system of our country. The commerce of the Great Lakes has steadily increased, and is to-day of enormous proportions.

River and harbor improvement

A great deal has been done by state and national governments for the improvement of our rivers. The River and Harbor Bill, passed every two years by Congress, involves one of the heaviest items of expense by the government. For the benefit of navigation on our coast the national government has established a *coast survey*, by which the safe channels and the dangerous points along the coast are charted for the guidance of seamen.

Canals

The advantages of water communication were so great in the days before railroads that the construction of canals was strongly urged by many. Albert Gallatin, in Jefferson's administration, proposed a series of coastwise canals from New England to South Carolina. There was great opposition to such improvements at national expense; and, as in the case of roads, it was left chiefly for the states and private companies to undertake them. The most successful of the early canals built under state authority was the Erie Canal, connecting Lake Erie with the Hudson River and thus with the Atlantic. Its success aroused other states to similar enterprises. Some of these canals were successfully constructed and operated, but most of them were not.

Ferry building from the bay. Foot of Market Street, San Francisco, Cal.

Pacific Mail S. S. *Korea*, bound for the Orient.

Freighting on the Sacramento River, California.

"San Francisco Overland Limited."
Seventy-two hours to Chicago — 2278 miles.

Pacific Electric Train, Los Angeles, Cal.
A network of electric railroads radiate from many city centers of the state.

Motor Car. — Many of these cars are used in carrying passengers between large city centers and adjacent towns and thickly settled rural communities.

It was the coming of the railroads that caused the downfall of the canal schemes. Under certain circumstances canals remain, nevertheless, an important means of transportation. The Erie Canal is still an important highway, and it is proposed to increase its usefulness by enlarging it. The United States government has built a number of important canals in recent times for the purpose of avoiding rapids in rivers, or to connect the Great Lakes. One of the largest of these is the canal at Sault Ste. Marie, between Lake Superior on the one hand, and Lakes Huron and Michigan on the other. The greatest canal ever undertaken is the Panama Canal now in course of construction by the United States. It will be of world-wide importance.

Steam railways revolutionized transportation. They quickly displaced most of the older turnpikes and canals, and made travel rapid beyond the imagination of the people of earlier times. They soon covered the country with a network of tracks until, at the present time, the railways of the United States would encircle the globe eight and a half times, without counting second tracks and sidetracks. The importance of the railroads in the building of our nation can hardly be overestimated. It is quite possible that the territory we now occupy could never have been included in a single nation if it were not for the railroads that bind together its widely separated parts. San Francisco and New York are to-day as close together, so far as ease of communication is concerned, as New York and Boston were in Washington's time. Because of their great service to the country in this way, railroads have at various times been aided by both state and national governments. The national government gave to many states, in early times, large tracts of public land, the revenue from

Railroads

which was to be used in the work of constructing railroads. When the great Western roads were proposed, Congress gave about 100,000,000 acres of land to aid in the enterprise.

Railroads are not owned by the government in this country as they are in some European countries, but by private corporations which receive charters, usually from the states, but sometimes from the national government. Most of the railroads of the country have been concentrated in the hands of a very few powerful corporations, resulting in the control of the chief means of transportation by a few men. Under its power to regulate interstate commerce, Congress passed a law in 1887, creating an Interstate Commerce Commission. This commission was given certain powers to regulate the interstate business of railroads. Other laws enacted in 1903 and 1906 seek to prevent railroads from discriminating in their rates and otherwise in favor of some persons or localities as against others.

Government control of railroads

Another most important step in binding separate communities together, and especially in bringing isolated communities into relation with larger centers of life, is the recent growth of electric interurban railways. Many little communities not heretofore touched by steam railways have been brought into the stream of life of the larger community about them. There was a time not long ago when the life of the farmer was a life of isolation. He had few of the advantages of the city, and seldom came into intimate contact with the life of the world. All this is rapidly being changed by the building of electric lines through the rural districts, together with the establishment of free rural mail delivery and the extension of telephones in the country. By these means city, town, and rural populations are being

Electric interurban lines

bound more closely together. The people mingle more freely. What affects one for good or ill more quickly affects all. The whole country is being united more firmly into a single community.

A Portion of the Lake Front, Chicago.
Observe the railroad yards, the piers extending into the lake, and the viaduct over the railroads to the piers.
Compare this scene with that in the illustration on page 14.

The question of transportation in cities is an important one, and presents difficulties not found in rural communities and small towns. First in importance is the street itself. All cities have a department of government to manage the construction and repairing of the streets, and employ engineers who under-

Transportation in cities; the street

stand the principles of good street making. It is too often true, however, that street commissioners and other officers in control of the streets are appointed as a reward for political services rather than because of fitness for the work. Too often large contracts for street making are let, through political favoritism, to men who are more interested in the amount of money they can make out of the job than in the welfare of the community. Such contractors, and the officers of government who knowingly employ them, are enemies to the community.

Blocking the streets

The streets are for the use of the people. No one has a right to block them unnecessarily to the inconvenience or danger of others. There are ordinances to prevent storekeepers and others from blocking the sidewalks with boxes or otherwise. These ordinances are often violated, making the way of the pedestrian both difficult and dangerous, besides making the streets unsightly. In large cities the sidewalks and streets are necessarily crowded, and a slight accident may block traffic completely for a time.

Franchises

It is necessary to use the streets in cities for the laying of sewer, water, and gas pipes, the stretching of telegraph, telephone, and electric-light wires, and the construction of street railways. Franchises for these purposes are granted, on two conditions: first, definite services must be performed for the people; and, second, the natural use of the streets by vehicles and pedestrians must not be interfered with. Here again we often find the rights of the people disregarded, both by the companies which obtain the franchises, and by the government officials who grant them. Sometimes franchises are carelessly drawn up and give away privileges to companies without safe-guarding the rights of the people. Sometimes the officers of

government dishonestly and unpatriotically give away the people's rights for private gain.

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TRANSPORTATION IN A LARGE CITY.

Life in cities has been almost revolutionized by the development of rapid transportation by electric trolley cars. In some of the largest cities there are elevated railways, upon which trains are rapidly driven by steam or electricity without the delays that are necessary in surface transportation. In New York and Boston there is a system of underground transportation.

Rapid transit in cities

The city railways are owned and operated by private corporations under franchises. It has been proposed that cities should acquire possession of their transportation systems and should operate them themselves, as is done in many European cities. It is argued that the service could then be made as good as the people want, and the fares could be reduced. It is said, in reply to this, that if city governments cannot wisely and honestly control the giving of franchises, and enforce their terms, how much less likely would the governments be to manage the entire business wisely and honestly.

Government ownership of railways

MESSENGER.

In community life there must be an exchange of ideas as well as a means of transporting goods and people. In a country like ours the people in sections far removed from each other, like New England and California, would be likely to develop great differences in manner of speech, in ways of thinking, and in forms of government, if they were not in constant communication with each other. The exchange of ideas is kept up by means of travel, by our postal system, the telegraph and telephone, and the newspaper. When an important event happens, the news is at once flashed to every part of the land, and within a few hours is laid at our doors in the columns of a newspaper.

The Constitution gives Congress power to create post offices and post roads, and the post-office system has

existed from the beginning under the complete control of the national government. At first the mails were usually carried on horseback, sometimes by boys, or by old men who "whiled away the hours by knitting woolen mittens and stockings" along the way. At the close of the Revolution letters were sent from New York to Boston two or three times a week. It sometimes required five weeks for a letter to go a distance now passed over in a single afternoon. Out of this small beginning has developed the extensive post-office system which we enjoy to-day.

Postal system

UNITED STATES POSTMAN.

In some countries the government controls the telegraph. In the United States it is owned and managed by private corporations. So great is the service performed by the telegraph that it is hard to see how life could go on without this means of almost instantaneous communication. The telephone has had a similar effect on the life of cities especially, and is now aiding in bringing the farmer into connection with the city.

Telegraph and telephone

Each one of us is constantly taking more and more of the world's interests into his own life and being broadened by it. We are thinking together and acting together as a community because of the growth of these various means of communication.

FOR INVESTIGATION

1. Look up the difficulties of travel and transportation in our country in the beginning of the nineteenth century, and their effects on the life of the time.

2. Are the geographical conditions favorable to the making of good

roads in your community? What is the condition of the country roads in your neighborhood during the winter? What effect do the road conditions have on the life of the farmer? On the life of the town people?

3. Who has control over the making and repairing of the country roads in your community? How is the expense of keeping them in repair met? Do the farmers work out their road tax? Are experienced persons employed to oversee the work of construction and repair?

4. Look up the history of road building in your state. Have there been any state roads? If so, locate them on the map. Is your state government now taking any steps to improve the condition of the country roads?

5. Make a report on the history and influence of the National Road. Did it have any particular influence on the settlement of your state?

6. Give an account of the use of rivers in your state for transportation. To what extent are they used now?

7. Do you know of any river improvement going on in your state? By whom is it being made, state or national government?

8. Make a report on the work of the United States Coast Survey.

9. Make a report on the building and influence of the Erie Canal.

10. Look up the history of canal building in your state. Have there been any successful canals operated there? Are any of them still in operation?

11. Report on the purpose and history of the Panama Canal. What arrangements did our government have to make with other nations in regard to it? Of what advantage will it be to the world? What special advantages will the United States derive from it?

12. Report on the early history of railroad building in your state.

13. If there are interurban electric lines in your neighborhood, report what influence they have had on the life of the farmers; on the prosperity of the cities.

14. How does your city government manage the building and repairing of the streets? If you wanted the street on which you live paved, how would you set about it? How would the expense be met?

15. Are the ordinances respecting the blocking of sidewalks observed in your community?

16. If you have a street railway in your community, find out what the terms of the franchise are with reference to the use of the streets. Also with reference to the paving of the streets through which the

tracks run. Are the people getting as good service from the street railways as they should? If not, why?

17. Debate the question, "Street railways should be owned and operated by the city."

18. Report on rural free mail delivery in your neighborhood, on the automobile. What influence has each on the improvement of the country roads?

19. Report on the organization of a large newspaper for the gathering and distribution of information.

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CHAPTER XV

HOW THE COMMUNITY AIDS THE CITIZEN TO SATISFY HIS DESIRE FOR KNOWLEDGE

In 1607 the first permanent English colony was founded in Virginia. Sixty-four years after its founding Governor Berkeley reported to the king on the condition of the colony, and among other things he said, "I thank God there are no free schools nor printing, and I hope we shall not have, these hundred years." A statement like this from one in authority seems strange to us now, when one of our chief causes of pride is our system

Governor Berkeley on education

High School, Berkeley, California.

of free schools and our busy printing presses. It is a good example of the belief of despotic rulers that much knowledge on the part of the people is dangerous. It is true that a despotic government cannot exist in a nation where the mass of the people are educated.

The people of Virginia were eager enough for schools, though geographical conditions hindered their development. Massachusetts passed a law providing that in every town of fifty householders an elementary school was to be established, and in every town of one hundred householders, a grammar school. New England grew under a system of free schools, free discussion, and a free press.

We must look first to the family as the most important arrangement for the education of the citizen. If education were left entirely to the family, however, it would be inadequately and unequally provided. A large proportion of the citizens of America are foreigners. They and their children would make little headway in acquiring the knowledge that makes them intelligent citizens if their education were left for their families to accomplish. The children of wealthy families might be highly educated by means of books and travel, and by the employment of private teachers at home; while the children of wage earners would have to get along with very little education. It is not a high degree of education on the part of a few that makes a republic like ours great. It is rather a fairly generous amount of knowledge permeating all ranks and classes. Since the community is to be the gainer by it, the community must afford a means of education that shall be within the reach of all.

The family and education

As was stated at the beginning of this chapter, Massachusetts at an early time recognized the importance of a generally educated people by establishing a system of public schools. Connecticut made a similar provision soon afterward. Other colonies and sections of the country were slower about providing for the general education of the people, but in the course of time the Massachusetts way has

Education a fundamental idea of our government

become characteristic of the American community. One of the foundation ideas of our free country is that there shall be the greatest possible freedom of thought and the most widespread information among the people. After the Revolutionary War, when the Ordinance of 1787 was enacted by Congress for the government of the Western lands, it provided that "religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall be forever encouraged." When new states were created out of this Western land, it was provided that each should reserve one section of every township for school purposes. States admitted after 1848 were to reserve two sections of each township. Thus began the public school system in the great West. In the law of 1906, providing for the admission of Indian Territory and Oklahoma as the state of Oklahoma, it was provided that the proceeds from the sale of all public lands should be used for school purposes.

Education in the hands of state and local governments

The duty of education falls on the state, and not on the national government. The state, in turn, has left the matter largely in the hands of the local communities. For this reason we find a good deal of variety in the organization and management of schools. Usually, in rural communities, the township or county is divided into school districts. If the district is small, it has but one school. Sometimes the township, or even the county, constitutes a single district, and then there are probably several schools under a single management. In some cases the school business is transacted directly by the voters of the district, who assemble at stated times for the purpose. Usually it is placed in the hands of trustees, who are elected by the people. The board of trustees looks after

the school buildings, employs teachers, and has general charge of the school. There is a county superintendent of schools elected by the people, who supervises the work of the schools.

Township and county management

In rural schools the terms are often too short. Pupils of all ages and all stages of advancement are grouped

TYPICAL RURAL SCHOOL BUILDING, SONOMA COUNTY, CAL.

together in one room, often making too many classes for one teacher to handle. This defect has in some places been partly overcome by consolidating the schools of several districts into one centrally located building, where the pupils can be graded, and where several teachers can be employed under the supervision of a principal. High schools are often secured by this method of consolidation. The difficulty in the way of consolidation has been the distance some of the pupils would have to travel.

The organization and management of country schools

This difficulty has been met in some states by providing means of conveyance at public expense.

City schools are under the management of a Board of Education, the members of which are elected by the people or appointed by the mayor. The superintendent of schools is appointed by the City Board of Education.

KERN COUNTY HIGH SCHOOL, BAKERSFIELD, CAL.

In California, teachers of rural schools are required to have the same qualifications as teachers of city schools.

There is a State Board of Education and a Superintendent of Public Instruction. The California State Board of Education is composed of ex-officio members, and the Superintendent of Public Instruction is elected by the people.

The text-books used in the elementary schools of the state are adopted by the State Board of Education and printed and manufactured at the State Printing Office and furnished to the children of the state at the cost of manufacture.

A number of the states provide state universities for the

higher education of their young men and women. These universities afford not only a broad collegiate education that will better fit any one for life in the community, but they also offer special training for the law, for medicine, for engineering, and for other profes-

State universities

A CONSOLIDATED RURAL SCHOOL.

Observe the large number of children in attendance, and the wagons by which they are carried to and from school.

sions. Attendance at the state universities is usually free to citizens of the state; but so excellent are these institutions that they generally attract students from other states, who are required to pay tuition.

While education is thus chiefly in the hands of the state, the national government is not wholly inactive in the matter. We have seen how it gave a start to the educational work of the states by the donation of tracts of land. In addition to this it has established a Bureau of Education, at the

Educational work of the national government

head of which is the United States Commissioner of Education. His duties are chiefly to collect information on educational matters, to publish this information in reports and bulletins, and to exercise an influence on educational movements throughout the country. The national government maintains military and naval schools, schools for the Indians, and schools for the city of Washington.

Cost of education

The cost of the public schools of the United States is very great. They are one of the largest items of expense to the government, amounting to about $231,000,000 annually. Of this amount $3,000,000 is expended by the national government, $44,000,000 by the state governments, and $184,000,000 by the local communities. This amounts to about $15 a year for each child enrolled in the schools.

Why the government stands this expense

Why should the community expend so much for the education of its young people? Do they receive this education freely from the community for their own advantage alone? Community life is never one-sided. The child is educated by the community not that he may *get more* out of life (although it is true that he may), but that he may be able to *give more* to the well-being of the community. Our nation is annually investing millions of dollars in its young people, expecting to get its returns in greatly increased efficiency in the services rendered to it by its citizens.

Training for citizenship is accomplished by the school chiefly in two ways:

How the school trains for citizenship

1. Through a course of instruction that will unfold to the pupil his various relations to life, give him a certain amount of information, and develop his powers of clear thinking. Every subject in the course of study should contribute to a training for

citizenship. Language, literature, mathematics, science, civics, history, — all branches are intended to broaden the view of the individual, to develop an all-round manhood and womanhood, to cultivate the different desires and powers in such a way as to fit the individual for life in the community.

2. The second way in which the school should train for citizenship is in the life of the school itself. The school is

LOWELL GRAMMAR SCHOOL, SAN JOSE, CALIFORNIA.

a community and also a part of the larger community about it. It is a mistake to think that the school is merely a place to prepare for life. It *is* life. School children are doing just what the community expects them to do during their time of life. By so doing they are contributing to the welfare of the community as well as receiving a benefit from it.

The principles of community life found in the school

People learn to do things by practice. All the principles of community life found in the world outside of the school are found also within the school. Here are grouped together a number of people with differing desires and motives, but all possessing certain common interests. Here are probably

represented several different nationalities going through the process of being molded into Americans by common instruction and by association with each other. Here are children from all classes in the community, all on an exactly equal footing before the laws of the school, and with exactly equal opportunities of showing their worth and winning advancement by their own efforts. This is the real idea of democracy that we are trying to realize in our national and local communities. If we ever realize it perfectly, it will be largely through the influence of the public schools.

In the school is found the necessity for industry and productive work; for a division of tasks and united action, under the direction of teachers, for the common good. Here is seen the necessity for organization and government in order that the greatest good for the greatest number may be secured. Here more or less responsibility rests upon each member for the welfare of all. Failure or wrongdoing on the part of one not only brings disaster to himself, but tends to disturb the harmony and well-being of all. Certain phases of school life tend to develop particular qualities of good citizenship; in athletics courage, decisiveness in action, and the spirit of square dealing are emphasized. And so in the life of the school habits are formed by practice that will work good or ill by being perpetuated in the life of the larger community outside of the school.

Education a duty

Education is not only a privilege; it is a duty, because every citizen owes it to his community to equip himself to render the best citizenship possible. This is recognized in many of the states by the passage of compulsory education laws, requiring every child to attend school during a certain number of years. In some

cities there are special schools where methods are adopted to keep in school pupils who do not get on well in the regular schools.

As we pass from the first to the eighth grade, we find

MANUAL TRAINING.
Grammar School, Santa Barbara, Cal.

that a great many pupils drop out each year for various reasons, and that only from five to ten per cent of those who enter the first grade pass into the high school. Of these not more than ten per cent graduate. While the average cost of education throughout the United States is about $15 for each pupil enrolled, the cost of the high schools in cities is about $50 for every pupil enrolled in them. This higher education of a few by the community demands in return greater service to the community. The community has a right to expect more from an educated man than from an uneducated one; more from a high school graduate than from one who has

The responsibility of the high school pupil

not attended high school. A liberal education is not intended to relieve a person from hard work, but to fit him for more and better work than he could do otherwise.

We have given our attention, in this chapter, to the public school system of our country as a means of satisfying the desire for knowledge. But it must not be supposed that this is all the community does for this purpose. There are thousands of private schools scattered over the country, especially in the cities. There are parochial schools; that is, schools managed by certain churches, as in the case of the Roman Catholic

Other educational institutions

PACKARD PUBLIC LIBRARY, MARYSVILLE, CAL.

church. There are many colleges which are self-supporting, or derive their support from private funds. There are schools for the deaf and dumb, and for the blind, supported by the state. There are thousands of libraries all over the country, many of which are public libraries for the free use of the citizens. These are a valuable ally of the public schools. Many of the states support free libraries, and at Washington there is the great Congressional library (opposite p. 95), a national institution.

In the colonial days of New England the town meeting

was one of the greatest educational forces. The love of meeting together to discuss public questions, or to hear them discussed by well-informed persons, is very striking in America. We have only to compare ourselves with some of the more benighted countries of the world, like Russia, where men may be sent into exile for expressing their thoughts too freely, where public meetings are largely forbidden, and

Freedom of speech, of the press, and of assemblage

R. A. Herold, Architect.

NEW HIGH SCHOOL, SACRAMENTO, CAL.

where no news may be printed in the newspapers until it has been examined by government officials, to be thankful that our Constitution provides that "Congress shall make no law . . . abridging the freedom of speech, or of the press, or the right of the people freely to assemble" (Amendment I).

FOR INVESTIGATION

1. Find what you can about the school life of the child in colonial New England; in colonial Virginia.

2. Find what you can about the first schools in your own community. How did they differ from the schools of to-day? Length of the school term? Did all children attend? Were they private schools, or public? Where did they get teachers? How well were the teachers paid?

3. What does the family do for the education of the children that the school cannot do? What does the school do that the family cannot?

4. What does your state constitution provide with regard to education?

5. Describe the organization of the schools in your township and county.

6. If the schools in your community are graded, when and why did the grading take place? Show how the graded system is better than the ungraded system.

7. Are the country schools consolidated in any part of your state? If so, how does the system work?

8. If you live in a city, describe in detail the organization of the city schools. Describe the board of education, number of members, term of office, powers, etc.

9. What are the qualifications prescribed for teachers in your community? How are the teachers selected?

10. Describe the work of the state board of education and that of the state superintendent in your state.

11. How are the school books selected in your state? In your city? Are they free to the children? What advantages and disadvantages result from free school books?

12. What do the public schools cost your city? Your county? Your state?

13. Compare the school community of which you are a member with the community outside of the school, as suggested on page 125 of this chapter.

14. How does the government of your school differ from the government of the city or town in which you live? Why the difference? Would it be wise to make the government of the school more like that of the city? Give reasons. Look up the "school city" plan of self-government in schools, and report your opinion of it (see references below).

15. What are the compulsory education laws of your state? How are truants looked after in your community?

16. What reasons can you give why the high school should be maintained at the expense of the community, in spite of the small proportional attendance and the large proportional cost?

17. Make a list of the educational agencies in your community outside of the public school.

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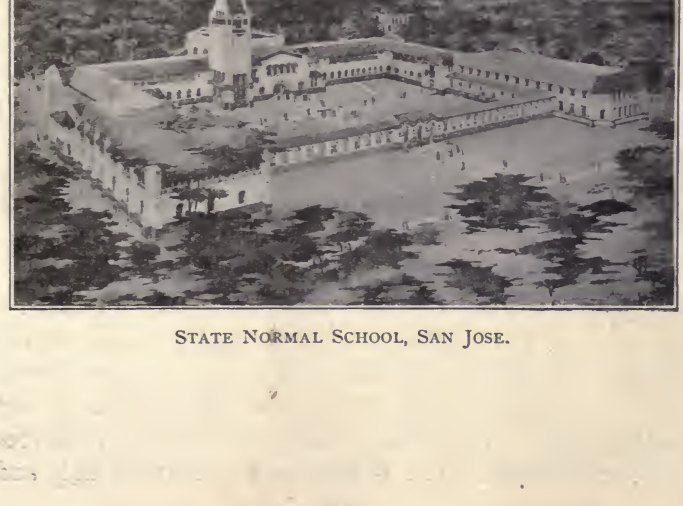
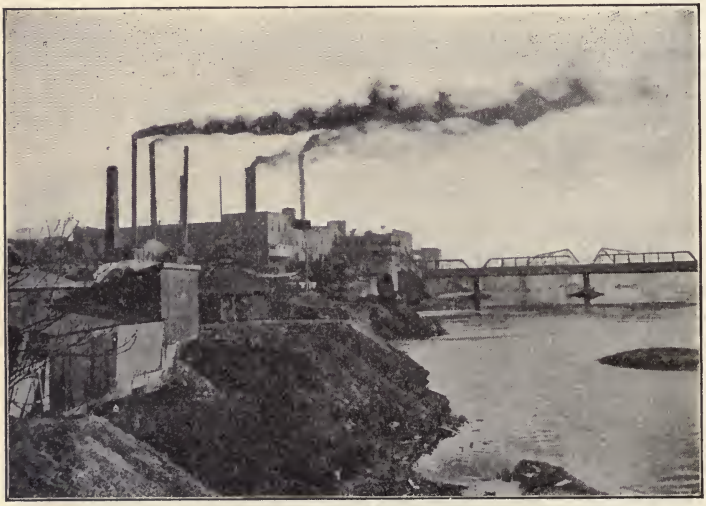


STATE NORMAL SCHOOL, SAN JOSE.

CHAPTER XVI

HOW THE COMMUNITY AIDS THE CITIZEN TO SATISFY HIS DESIRE FOR BEAUTIFUL SURROUNDINGS

In one important way the growth of communities has tended to destroy the beautiful surroundings of man. It



View of a River Front.

Notice the unsightly sheds, the heaps of refuse, and the smoking factories.

Civilization destroys much beauty of nature

is a misfortune that much of the natural beauty of the landscape must disappear before the advance of civilization. The forest and the flower-clothed prairie are transformed into farms and building sites. The hills are cut away for the resources that they contain. The streams are lined with ugly and

noisy factories, and clogged with refuse. The sky is obscured with smoke.

The community, acting sometimes through the government and sometimes in other ways, may prevent a great deal of unnecessary destruction of the beauty of nature. The national government and some of the states have forestry bureaus, which have for their purpose the preservation of the forests. Needless pollution of streams may be checked by state

Unnecessary destruction of natural beauty

West Lake Park, Los Angeles, Cal.

laws, and their natural beauty in a measure preserved by preventing dilapidated and untidy premises along their banks in cities, and in some cases by converting their banks into parks. Sentiment may be aroused among the boys, in the school and otherwise, against the killing of birds. Much natural scenery may be preserved by the creation of national and state parks, as in the case of the Yellowstone and the Yosemite. Niagara Falls is now in

danger of being transformed from one of the great wonders of nature into a mere sluice for the turning of mill wheels unless the government can be induced by public sentiment to prevent it.

If natural beauty tends to disappear before the growth of communities, the opportunity for art increases. Beautiful houses and imposing business blocks make their appearance. Art galleries are founded. Religious organizations and institutions of other kinds grace the community with beautiful

Community life creates opportunities for art

A Beautiful Back Yard.
By courtesy of the National Cash Register Co., Dayton, Ohio.

churches and other structures. Schools cultivate the taste for beautiful things, and the people are taught how to enjoy life in ways that they could not if they lived in isolation.

The place to begin beautifying the community is in the home. The citizen who is careless about the appearance of his own home is almost sure to have little interest in the appearance of the rest of the community. A home that is unsightly takes away from the

Beauty in the home

enjoyment of all who see it. The first essential to beauty is neatness and orderliness. But it is possible to do more than merely to keep the premises clean and in order. Grass can be made to cover bare ground, or to take the place of weeds. There is almost always a spot for vines and flowers to grow, if it is only in window boxes. It is wonderful

A Dirty Back Yard.
Where the germs of many diseases find ready propagation.

what a transformation has often taken place even among the crowded dwellings of the poor in the heart of cities, by the introduction of vines over the fences, a flower bed in the small rear yard, and boxes of growing plants at the windows. The practice of thus adorning the dwelling place is contagious, and spreads from home to home, and from neighborhood to neighborhood. One well-kept lawn in a neighborhood is followed by others, until whole squares and whole streets present an unbroken view of beauty.

It is wonderful how much children can do toward making the community beautiful in this way. In Cleveland there is a Home Gardening Association, working chiefly through the school children, which has transformed home yards, school grounds, and vacant lots from barren and disorderly spots, in many cases, into beautiful flower and vegetable gardens. This

The children's opportunity

A School Garden.

Association early learned that "the easiest and surest way to results is through the enthusiasm of youth." In most phases of community life we usually think that active citizenship is for men and women; but in the beautifying of the community, in which a high type of citizenship can be shown, the children may take an active and prominent part, and are doing so in many communities, to their great advantage.

It is appropriate that the school and the home should work together in this matter. The school buildings scattered

throughout a city, and also in the country districts, should be centers of pride in their neighborhoods because of their beauty. Happily, communities are beginning to realize this, and the architecture of schools is improving. Even if the buildings are old and ugly, their surroundings, in most cases, can be made beautiful and in

Beauty in the school

A Clean, Well-kept Street and Beautiful Homes, Berkeley.

this the children can have a part. The work of the Cleveland Home Gardening Association began with the improvement of a school yard in the heart of the city.

A city is judged by the appearance of its streets perhaps more than in any other way, unless it is by the appearance of its homes. The eye passes naturally from one to the other. The street is public property. This means that each citizen has a share in it; he has a right to its use, and a right to expect that it will be kept in

Beauty in the street

good repair and good order. He also has a share of the responsibility for keeping it so. There was a time in certain cities when each householder was required to keep the street directly adjacent to his property swept and in good order. At first this was done by the householder himself, or by his servant. Then a group of neighbors would unite in employing some one to do it for the neighborhood, or for the whole street. In the course of time it was found that the work could be done better and more economically by placing it all under the direction of a central authority, and by having a body of men give their whole time to it. The expense was met by taxing the householders. Now that the care of the streets has been shifted from the individual householder to the government of the community, the householder has come to feel, in many cases, that he has also shifted the responsibility; but the employer is responsible for the work of those whom he employs.

Responsibility of the citizen

In city communities good pavements are perhaps the first essential to beautiful streets. Holes and uneven places are unsightly as well as unsafe. A rough pavement also adds to the noise of a city. The desire for the beautiful may be satisfied as much through the ear as through the eye. Noises are often our safeguards against danger. This is the excuse for gongs on street cars and fire engines, bells on bicycles, and whistles on locomotives. But the noise in most of our large cities is unnecessarily great and trying. In some cities ordinances exist to decrease the amount of noise, as where iron pipes must be wrapped before they are hauled through the streets, where the shrill whistle of interurban cars is forbidden within the city limits, or where the calling by hucksters and newsboys is forbidden.

Pavements; noise

In the matter of clean streets, as in so many other things, prevention is better than cure. Refuse is often swept or thrown into the streets, and paper is strewn along them that should be disposed of in some other way. Ordinances sometimes exist forbidding such unnecessary littering of the streets, but they are in the class of regulations commonly disregarded. In some

Littering the streets

A Beautiful Street in Riverside, Cal.

cities boxes are provided on the street corners to receive waste paper and other matter. Care must be taken that such boxes shall not themselves be unsightly.

It has been said by some observing persons that school children are largely responsible for the unsightly appearance of our streets from the scattering of scraps of paper. It may not be true that school children are any more inclined to throw scraps in the streets than other people. It is true, though, that they have unusual temptation, as they come from school with an accumulation of papers that they no longer want. Their large numbers make possible

a good deal of paper scattering in a few minutes. If children can do a great deal toward beautifying the community by gardening at home and on the school grounds, they can also do a great deal to prevent an un-

TYPE OF BEAUTIFUL HOMES OF CALIFORNIA.
Upper — Los Angeles. Lower — Stockton.

sightly appearance by refraining from throwing papers. Habits formed in school go a long way in such matters. Boys and girls who scatter scraps of paper in the schoolroom and halls, will do the same thing on the streets and in other public places.

Among the most beautiful objects in nature are trees.

They are also among the objects that have been most recklessly sacrificed by growing communities. Nothing adds more to the attractiveness of a village or a city than shaded lawns and tree-arched streets. What is more pleasant than a country road lined with beautiful trees?

The beauty of trees

The trees of many communities are suffering from the ravages of insects and parasites. The government is doing a great deal toward discovering means to destroy the tree pests, and to acquaint the people with these means. The trees also have enemies among men, to whom they would contribute so much in health and pleasure. In the first place, men clear away fine trees, sometimes necessarily, but often unnecessarily, to make way for so-called "improvements." Magnificent trees are sacrificed in order that an ordinary-looking house may be built at a particular spot. Often a home would be improved a hundred fold in appearance, if the trees were left and the house placed farther back or to one side. A great deal of monotony is produced in our streets and an opportunity for a display of artistic taste is lost, by building our houses too much alike, and all at exactly the same distance from the street, without regard to the nature of the lots or the disposition of the trees and other natural features upon them.

Destruction and mutilation of trees

In the second place we do not take sufficient care to replace trees that die, or that are necessarily cut down. In some European cities it is required by law that every tree that dies or is removed, unless removed to prevent crowding, must be replaced by another. Trees are of comparatively slow growth, and this may be one reason why householders hesitate to plant them, fearing that they may never get the benefit of them. This shows a lack of community

spirit. Arbor Day affords an opportunity for children to do something in this connection. The systematic planting of trees on this day not only helps to beautify the community at once, but is a splendid lesson in citizenship.

One of the worst kinds of tree mutilation is that which makes way for telegraph or telephone poles and wires. This is an evil that exists both in the country and in the city. Many a beautiful street or road has been made unsightly by such mutilation of trees. This is a matter for the community government to control; but the government will not usually act until the citizens show an interest in the preservation of the trees.

TREE MUTILATION ON A COUNTRY ROAD.

Telegraph, telephone, and trolley poles are in themselves unsightly. In the business portions of cities the network of wires is dangerous in time of fire, and this has led to their removal in many cities. This has been accomplished by placing the wires underground. Civic beauty has strong claims to the removal of such unsightly objects from the streets. Public sentiment is slowly being awakened in regard to this matter, and the time is coming when the view of a beautiful street will not be obstructed by lines of ugly poles and a network of wires.

Poles and wires

Another means of disfiguring our streets is by a reckless use of advertising. Men have a right to attract attention to their wares; but thought should be given to the means, the time, and the place of doing so. We allow beautiful features of our com-

Advertisements and billboards

munities to be marred, and ugly features made more ugly, by permitting citizens to exercise perfect freedom in advertising for private gain. Unattractive signs are nailed to beautiful trees, which should not be marred by any kind of sign. Ugly telephone poles are made still uglier by the same means. Attractive residence streets are made unattractive

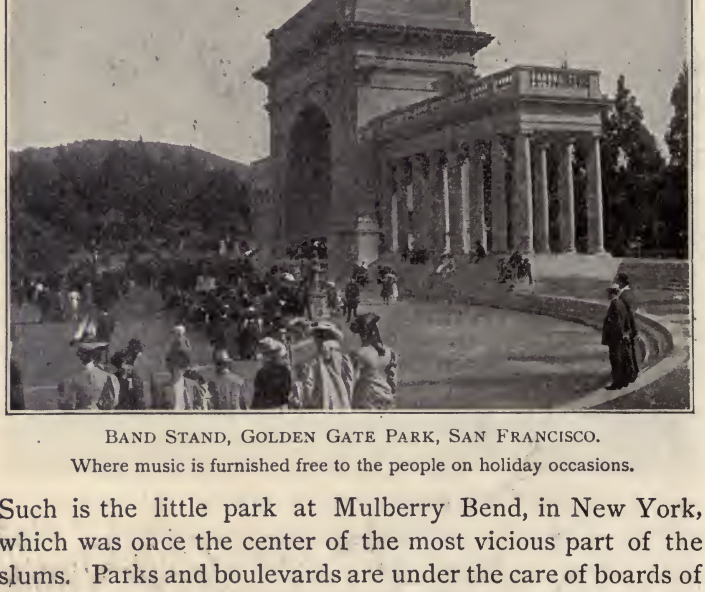
A Drive in Piedmont Park, Oakland, Cal.

by huge billboards with inartistic signs upon them. Even the signs on business blocks, where they have a right to be, are often inartistic and wholly out of harmony with the architecture of the street.

All cities have their systems of parks and boulevards, though they are developed more fully in some cities than in others. Boston has 15,000 acres devoted to parks, which are connected with each other by boulevards, and include a stretch of ocean beach. Some

Parks and boulevards

cities have preserved in their midst a bit of natural scenery to refresh the eye. In some of the larger cities spaces are being cleared of tumble-down buildings in the crowded portions to make way for small parks with grass and trees, flowers and fountains, which may bring a little pleasure into the lives of those who seldom enjoy the fresh air of the country.



BAND STAND, GOLDEN GATE PARK, SAN FRANCISCO.
Where music is furnished free to the people on holiday occasions.

Such is the little park at Mulberry Bend, in New York, which was once the center of the most vicious part of the slums. Parks and boulevards are under the care of boards of park commissioners, who sometimes also have care over the trees of all the streets. Sometimes the trees are placed under the charge of special tree commissioners or foresters.

Prevention of smoke

Smoke is another of the accompaniments of growing communities. Smoke, like the network of wires in the streets, has been assumed to be a necessary sign of material prosperity. As the wires are dis-

appearing beneath the surface of the streets, it is also being found that clouds of black smoke are not necessary to industry. A few large cities have earnestly determined to be free from the smoke, ordinances have been passed and enforced against it, and the beauty of the communities has been greatly increased as a result.

MISSION ARCHITECTURE IN A CITY OF BEAUTIFUL HOMES.

Ugly features of community life have been mentioned only to emphasize the fact that our communities are doing more to-day than ever before to get rid of them. There is a steady improvement in the character of the architecture in our cities. The people of small means are living, not only in more comfortable homes, but in more beautiful ones. Their taste for beauty and refinement is steadily growing. The streets are constantly becoming more pleasant to look upon. Art museums are being established in increasing

The desire for beauty is growing stronger in our communities

numbers. Civic Improvement Associations, and other organizations for the beautifying of communities, exist in almost every city and town. Local, state, and national governments are doing more than ever before to provide the people with the opportunity to satisfy more fully their desire for beautiful surroundings. But there is still much to be accomplished in this direction, and its accomplishment depends on the citizens of the present and the future.

Beautiful surroundings produce better citizenship

The improvement in the surroundings of the people is bound to produce a better citizenship. Men and women lose their spirits, become depressed, when their surroundings are unpleasant. They lose hope and ambition. Much of the vice and crime of large cities is no doubt induced by this cause. One of the first steps toward transforming men and women into good citizens, who will contribute to the welfare of the community, is to give them pleasant surroundings.

FOR INVESTIGATION

1. Has any natural scenery been destroyed by the growth of your community? Was it altogether necessary?

2. Is anything being done in your community to prevent unnecessary destruction of natural beauty?

3. What relation has the killing of birds to civic beauty?

4. Report on the use of Niagara Falls as a power for industrial purposes. What is being done to preserve this natural wonder? Do you think that the usefulness of the Falls in industry justifies the destruction of their beauty?

5. Is your community notable for its beautiful homes? In what sections of the community is the greatest care taken in this respect? Why is it?

6. Observe the premises of the homes in your neighborhood, beginning with your own, with reference to the care of the lawn; growth of weeds; the accumulation of rubbish; the neatness of the back yards;

the growth of flowers; the care of the streets and alleys adjoining. Make a report of conditions, and suggest improvements.

7. Let each pupil report a plan to improve the appearance of his own yard. Begin a systematic movement to put these plans into effect.

8. Is your school as beautiful as it could be in the appearance of the yard? In the care of the halls and rooms? Could you do anything to improve it? Do the people in the neighborhood take pride in the school building and grounds? If not, how could they be made to do so?

9. Are the streets in your community beautiful? If not, what are their defects? If they are, what constitutes their beauty?

10. Report on the character of the pavements with reference to their appearance.

11. What noises in your community are unnecessary? How could they be lessened?

12. What is done in your community to keep the streets clean? What ordinances exist on this matter? Are they observed and enforced?

13. Observe the trees in your neighborhood, in streets and lawns, and report on their general condition and appearance. Is care taken to preserve beautiful trees? Is anything being done in a systematic way in tree planting? Are the trees being mutilated or destroyed by linemen or otherwise? Is any attempt being made to create a sentiment in favor of the trees? Does the city government provide any one to care for the trees in the streets?

14. Make a report on street advertisements in your neighborhood. Observe whether the appearance of the streets, or of private property, is marred by such advertisements.

15. Report on the parks and boulevards of your community. Describe their points of beauty. Are they used by the people freely? How are they managed?

16. What societies exist in your community to improve its appearance? How do they work?

17. Is your community active at the present time in beautifying the streets and public places by the erection of statuary, monuments, fountains, and in other ways?

18. Is the architecture of your community improving in character? Observe residences, business blocks, churches, schools, and public buildings.

19. Select one of the most beautiful buildings in your community and give a detailed description of it.

20. Is anything being done in your community to cultivate a taste for beautiful surroundings among those who live in the tenements, or in the poorer quarters of the city?

21. Write an essay on the relation between civic beauty and good citizenship.

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A CLEAN SCHOOL.

Notice the hygienic drinking fountain — all schools should be supplied with them

CHAPTER XVII

HOW THE COMMUNITY AIDS THE CITIZEN TO SATISFY HIS RELIGIOUS DESIRE

THE community described in the first chapter grew around the college and the church, which occupied the most important place in the minds and hearts of the settlers. Every one of those first families was deeply religious. The simple social life of the early days centered chiefly in the church. The only government of the village, for a brief period, was the government of the church organization. These people were of Puritan descent and principles, and they remind us of the colonists of New England.

The love of religion has played a very important part in the history of the world. Perhaps no other motive has driven men to action more powerfully than this. In the history of our land this is shown. The desire for the spread of religion was not the least of the motives that brought Columbus to America. The Spaniards made their conquests in the name of religion, and they established missions wherever they went. The priests led the way in the French exploration and settlement of America. The Pilgrims came to Plymouth to find freedom of religious worship, and all through the history of the various colonies religious questions had an important influence.

Religion has been a powerful motive in history

When the English colonies in America were founded, England, like most other countries of the world, had a state religion and a state church. That is, the government

prescribed what form of religion the people must observe. The Puritans came to America because they could not conform to these requirements, and desired liberty to worship as they believed to be right. We might think that, since they desired religious liberty for themselves, when they came to America they should have granted equal liberty to others who came to their settlements. Such was not the case. The Puritans were intolerant of all who differed from them in religious matters. They hated the religious ceremonies of the Roman Catholic church. They drove the Quakers away from their settlements, and even put some of them to death. Roger Williams was driven out from Massachusetts partly because of his religious views. The Roman Catholics, the Quakers, and the Episcopalians were about as intolerant of the Puritans and of each other as the Puritans were of them. It was considered a remarkable thing when Maryland was founded by Roman Catholics and Protestants together, and that they lived side by side in harmony.

Religious intolerance in colonial times

In most of the colonies there was a very close relation between the church and the government, as there was in England, although it was not always the Church of England that was recognized in the colonies. In some colonies no one could enjoy full political rights, such as the right to vote and to hold office, except members of the church officially recognized in the colony. In New England the ministers were usually the most influential men in the affairs of government. Many of the laws were taken directly from the Bible, and men were tried in the courts and punished for violation of commonly accepted religious beliefs, as for breaking the Sabbath or swearing. Thus in various ways the government controlled the religious life of the people

The relation between the church and the government in colonial times

After the Revolution the connection between the church and the government gradually became less complete. Restrictions on the right to vote because of religious beliefs rapidly disappeared. With the growth of democratic ideas, according to which one man has as much right to his opinions as another; with the increasing immigration of people of different nationality and religious belief; and with the development of means of communication by which people of different sections were brought into contact with one another, men became more tolerant of each other's beliefs and forms of worship. It came to be recognized that a man's religious opinions were a matter for his own individual conscience, not to be dictated or controlled by government.

Separation between religion and the government

Accordingly, when the Constitution of the United States was adopted, an amendment was added declaring that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" (Amendment I). The federal Constitution does not, however, prohibit the states from exercising control over matters of religion. Some of the states continued, for a time, to require religious qualifications for voting. Some refused to accept testimony in the courts from persons who denied the existence of God. In a few cases churches have received aid from the state. Nevertheless, most state constitutions now prohibit governmental support of churches, although it is customary for state governments to exempt from taxation the property of churches.

The Ordinance of 1787, in providing for the first government of the Northwest Territory, said, "Religion, morality, and education being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." Religion and

education are here coupled together and recognized as two of the greatest influences in the progress of a nation. A man's beliefs have much to do with his conduct. His religion consists of his attitude, not only toward God, but also toward his fellow-men. It teaches him to love his neighbor as himself, and to do unto others as he would be done by. If all men did these things, we should have better communities and better citizenship. But so far as our government is concerned, its attitude toward the religious life of the citizen is merely to allow the greatest possible personal liberty in the matter, and to offer the fullest opportunity for religious influences to develop the qualities of good citizenship.

The attitude of our government toward religion

FOR INVESTIGATION

1. Make a list of some of the great historical events in the world that were due to religious causes.
2. Let individual pupils make reports on the following topics:
a. The religious life of the Puritans in New England.
b. The story of the Quakers in Pennsylvania.
c. The story of Roger Williams and Anne Hutchinson.
d. Religious toleration in Maryland.
e. The relation between the church and the government in colonial Massachusetts.
3. What can you find about the religious life of your own community in the early days?
4. What different religious sects or denominations are represented in your community to-day? What other religious organizations are there besides the churches? What do they do for the community?
5. Are there any schools, hospitals, or other institutions in your community supported by religious organizations?
6. What does the constitution of your state say on the subject of religion?

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CHAPTER XVIII

WHAT THE COMMUNITY DOES FOR THOSE WHO CANNOT OR WILL NOT CONTRIBUTE TO ITS PROGRESS

THERE are three classes of persons who contribute nothing to the advancement of the community. The first class consists of those who are physically or mentally unable to do so, a class known as defectives. The second class consists of those who, though physically able to do something, are, nevertheless, not self-supporting, and depend on the community to support them. These are called dependents. The third class consists of those who live in positive violation of the law of the community. These are criminals. These three classes of people have to be taken account of in every community, and if they cannot be made to contribute to the common welfare, they must at least be prevented from doing harm.

Defectives, dependents, and delinquents

There was a time in the development of mankind when the physically defective — the blind, the crippled, the hopelessly ill, and the aged — were such a serious burden to the community that it was considered necessary to put them to death. This was a time when the very existence of the community depended on the physical strength of its members. If a man was not a fighter and a food getter, he endangered the existence of his fellows. He had to be fed from the hard-earned stores of the others, and had to be defended against enemies. Many savage tribes put to death the

Treatment of the helpless by the uncivilized

hopelessly sick, the aged, and the crippled. The ancient Spartans exposed sickly children to die upon the mountains.

As men have become civilized, as sympathy for others has become stronger, and as it has become easier to sustain life, the weak and the helpless have been taken under the care of the strong, and it is now considered the duty of the community to provide for those who are physically unable to care for themselves. In many cases the defective may be benefited to such an extent that he may become self-supporting, and able even to contribute something to the welfare of the community. The blind and the deaf and dumb may be educated by special methods so that they may engage in various occupations for their own support and happiness. The government has established schools and asylums for these unfortunate classes. The government also maintains hospitals for the insane, where they are not only prevented from doing harm to others, but where they are also made happier, and often cured and restored to usefulness. There are institutions for the helplessly crippled and the hopelessly ill, where their suffering may at least be alleviated. There are also institutions for the homeless aged, and for orphaned children.

It is the duty of the community to care for the helpless

The work of caring for this class of citizens is in the hands of the state, not of the national government. Local communities, and especially cities, often do much for the care of their defective members. But the work is so costly that it is chiefly concentrated in the hands of the state government, which maintains institutions for the purpose in a few favorable localities, to which the sufferers are brought from all parts of the state.

It is a care of the state

The dependent class of people, as distinguished from the

defective class, consists of those who through poverty are a burden on the community. Poverty may be due to physical inability to provide for one's self. If this is the case, there are the institutions already mentioned to care for such dependents. But the poverty may be due, in some cases, merely to bad management and a lack of foresight. It may often be due to drunkenness on the part of one or both of the parents, or to lazy and shiftless habits, or to a desire to live at the expense of others rather than by honest effort.

Poverty

The care of the poor was at one time almost wholly in the hands of the church, and the church still does a great deal to this end. In the reign of Queen Elizabeth a law was passed by the English parliament requiring each parish to care for its own poor. Since then the government has done much to relieve poverty, and poor laws were enacted in America modeled after those of England. Poor relief is considered a matter for the local community to regulate.

Poor relief

Poverty has always appealed to the sympathies of people, and voluntary efforts on the part of individuals and societies to relieve it have long been common. Until recently this relief has been offered in an altogether disorganized way, each giver giving as he saw fit, without knowledge of the real needs of the applicant for relief, or of what other persons and societies were doing. This kind of charity has sometimes done more harm than good. It may, indeed, often relieve the suffering of the really needy; but it has just as often encouraged the unworthy to expect charity, and has tended to increase the dependent class instead of diminishing it. There are many people who will make no effort to support themselves so long as they feel that others will support

The danger in unorganized charity

them. Many professional beggars make a good living by taking advantage of the sympathies of random givers. During a certain period of great suffering among the very poor of American cities, due to unusually hard times, free eating houses were established in the hope of relieving the situation. The free food attracted hundreds away from the work they had, and greatly increased the army of the unemployed. Thoughtless or unwise giving may make paupers of many who would otherwise be self-supporting.

In nearly all of our large cities at the present time, and in many of the smaller ones, the relief of the poor is becoming more systematic. Charity bureaus, or societies, have been created, which seek to secure coöperation among all the charitable organizations of the community. They investigate the worthiness of applicants for relief. They expose impostors, of whom there are a great many. They seek to remove the causes of poverty rather than merely to relieve the needs of the poor for the time being. They find employment for those who need it and are able to take it. They wage war against the evils of tenement life. They encourage the unfortunate by giving them better opportunities and by creating in them new ideals of life.

Charity organization

It is of course necessary and desirable to relieve actual suffering by gifts of food, clothing, and other necessities. It is much more important to provide an opportunity, and to create a desire, for self-support by productive work. It is better for the unfortunate individual, for it gives him greater self-respect, and makes him more independent; and it is better for the community, because it transforms those who have been a burden to others into producers and contributors to the general welfare.

The third class of persons who contribute no good to

STATE'S PRISON, SAN QUENTIN, CAL.

PRESTON STATE SCHOOL OF INDUSTRY, WATERMAN, CAL.

A Juvenile Court of California — Swearing a Witness.

Showing judge, jury, clerk, reporter, bailiff, witness being sworn, lawyers and defendant about the table. Spectators outside the railing.

the community is the criminal class. This may be said to include all offenders against the law and order of the community, the enemies to the rights of other people.

Crime

The method of dealing with criminals has changed very greatly in the progress of civilization. Formerly the main idea was punishment, or retaliation. It was "an eye for an eye, a tooth for a tooth, a life for a life." Well into the last century, even in our own country, the penalties inflicted were often terrible. Offenders were imprisoned in dark and filthy underground cells. Tongues were pierced, ears cut off, and marks branded upon the body with hot irons. Prisoners were placed in stocks and held up to the ridicule and abuse of passers-by.

Treatment of criminals in early times

At the present time our ideas of the treatment of criminals are very different. The criminal is still an offender against the community, and he is still believed to deserve punishment of some kind. Much more important than the punishment of the criminal, however, is the protection of the community against any future crimes. Two ideas are uppermost in our present methods of dealing with criminals. The first is to place them, temporarily at least, where they cannot harm the community. The second is to reform them — or to cure them, for crime is now considered as a result of a mental and moral, if not physical, disease. Except in the case of the very worst crimes, which may be punishable by death or life imprisonment, the effort is usually made to return the offender to the community, in the course of time, as a useful citizen. Cruel and inhuman punishments have been abandoned. The death penalty has been abolished, even for murder,

The protection of the community and the reformation of the criminal

in some states. It is now quite common to imprison offenders with an indeterminate sentence; that is, they are sent to prison for a period the length of which will depend on the conduct of the prisoner himself and on the inclination he shows to live right in the community. Prisoners are comfortably housed and clothed, and are given wholesome food and, if necessary, medical attention. Where the prisoners are illiterate, they are often given instruction in the common branches of education. They are made to work, not so much with the idea of punishment as to teach them habits of industry and to instruct them in some manner of making an honest living.

The prevention of crime

Greater care than formerly is now taken to prevent crime, in preference to punishing the criminal after the crime is committed. Youthful offenders are sent to reform schools, rather than to prisons designed for more hardened criminals. It was once the custom to imprison young offenders, guilty of some minor offense, together with older and hardened criminals guilty of serious crimes. The result of this was to harden the younger ones by association with the others. In a few cities juvenile courts have been established, where only young offenders are tried. Those who have just begun their criminal career are often not punished at all, but are placed on probation; that is, they are given their liberty, but under the eyes of probation officers, or "official parents," who look after them and aid them to get a start in life. Many, who would by punishment be hardened, are thus led to become good citizens.

The regulation of crime and the correction of criminals are almost wholly under the control of the state governments. What is considered a crime in one state is not always a crime in another state; that is, while the

act may be just as harmful to the community in one state as in another, some states may have no law on the subject. Unless an act is in violation of the law, it is not legally a crime and cannot be punished as such. The same crime may be punishable in different ways in different states, because the kind of punishment is determined by state law. It would be well if the states could agree more closely in regard to what constitutes crime, and how it should be treated.

Regulation of crime by the state

The national government has jurisdiction over some kinds of crimes. Since the entire government of the territories and of the District of Columbia is in the hands of Congress, this body defines crime in these places and fixes its penalties. Crimes against national law, wherever they are committed, are punishable by the national government. The accused person is tried before a federal court in the state where the crime is committed. For instance, violation of the postal laws, counterfeiting money, or evading the laws for the regulation of interstate commerce are crimes punishable by the national government. The national government also has jurisdiction over crimes against the laws of nations, as contained in treaties, and over piracy. One crime against the nation is punishable by death, — treason, the worse crime recognized by civilized nations. The Constitution defines treason against the United States as "levying war against them, or in adhering to their enemies, giving them aid and comfort" (Art. III, sec. 3). In order to convict a person of treason there must be two witnesses of the treasonable act to give evidence against him.

Regulation of crime by the national government

In order that no injustice may be done to innocent persons, the rights of accused persons are protected care-

fully by the Constitution of the United States. It is a principle of law that every accused person is assumed to be innocent until he is proved to be guilty. Every precaution is taken to secure for him a fair trial. He is entitled to a trial by a jury of his fellow-citizens in the locality where the crime occurred. The accusing witnesses must give their evidence to the court in the presence of the accused and he is entitled to witnesses in his favor, as well as lawyers to defend him. He may not be compelled to testify against himself. These are a few of the careful provisions made to protect even a guilty citizen against injustice.

The protection of the rights of the accused

FOR INVESTIGATION

1. What public institutions are there in your community for the care of defective persons? Are there any private institutions of a similar kind?
2. Make a list of all the institutions and associations that you know of in your community for the care of the poor.
3. Is there charity organization in your community? Find out its methods of work.
4. What does your local government do for the relief of the poor?
5. Report on the treatment of criminals in colonial times. (See McMaster, "History of the American People," vol. I, pp. 93–102.)
6. What reform schools are there in your state? How are the inmates of these schools dealt with?
7. Is there a juvenile court in your community? If so, report on its work, and describe the work of the probation officers.
8. Debate the question, "Capital punishment should be abolished."

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CHAPTER XIX

HOW THE CITIZENS OF A COMMUNITY GOVERN THEMSELVES

We have now looked at the life of the community from several points of view. We have seen that the people are striving to satisfy their desires in a variety of ways. We have seen that there are common interests, and that the welfare of one is the welfare of all. Yet it does not always seem so. Men do not always recognize their dependence on, and obligation to, others. Sometimes they lack sufficient knowledge to do so. Sometimes they selfishly disregard the rights of others, as, for example, when a man persists in clouding the atmosphere with smoke from his factory, although he knows it is injuring the community; or when a railroad charges unjust rates, or affords inadequate facilities for transportation. Consequently we often get the impression that community life is a life of conflict rather than of harmonious action. Under such imperfect conditions there must be some agency that is more far-sighted than any individual can be, and that is just, to secure the intelligent working together of all. Such an agency government is intended to be.

The purpose of government

The first idea that we must understand about government in America is that it is *intended to be the servant of the people and not their master.* When it begins to act contrary to the will of the people, it goes beyond its rightful powers.

Government the servant, not the master, of the people

The American colonists sought their independence from England because the English government insisted on taxing them, and otherwise exercising authority over them, *without their consent.* In 1787 a convention of leading men of the country, chosen by their respective states, met in Philadelphia, and after four months of discussion laid before the people of the thirteen states a Constitution, containing a plan of government. The preamble of this Constitution emphasizes the fact that this government was established by the people to do certain things for them.

Direct and representative self-government

The simplest form of self-government is where the people meet together and make their own laws. Such was the town meeting in New England. When the community grows large, it becomes impracticable for the citizens to assemble. Then they resort to the plan of selecting certain of their number to make their laws and perform the other work of government for them. This is *representative* self-government. The representatives *of* the people, chosen *by* the people, act *for* the people.

The threefold character of our government

The next fact about our government that we must understand is its threefold character. In the preceding chapters there has been constant reference to *local*, *state*, and *national* governments. Each of us is under the control of all three. It might seem, at first thought, that we are greatly oppressed with government. We must remember that *we, the people*, are our own rulers, and that we have simply found it more convenient and more to our advantage to have three groups of governing machinery than one. Each group has its particular work to do for us. Let us now see how the *division of powers* is made among them.

Division of powers between national and state governments

The first division of powers is that between the state and national governments. When the Constitution was made, the thirteen states were already in existence, each with its own government organized under a state constitution. Why, then, was it necessary to have a national government in addition? It was because while the states were thirteen separate communities in many particulars, they were, in other particulars, only parts of one community with certain interests common to all alike. This was illustrated in chapter XII (see page 94). The union of a number of states under a central government constitutes a *federal nation.* The central government is called the *federal government.*

The federal government may exercise only such powers as are granted to it by the people in the Constitution, and these powers are few in number. The powers of Congress are enumerated in section 8 of article I of the Constitution. All other powers are left with the states. The tenth amendment to the Constitution says, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states [see Art. I, sec. 10], are reserved to the states respectively, or to the people." By this arrangement the states retain by far the greater part of the governing powers. Where the national government controls our conduct once, the state government controls it many times. The state government protects us in our religious rights (chapter XVII), provides for our education (chapter XV), determines who shall have the right to vote (page 168), prescribes the rules of marriage and of family relations, has almost the entire care of our health (chapter IX), protects our property (chapter X), controls business relations of every kind except where foreign and interstate

relations are concerned (chapter XII), and provides for the prevention and punishment of crime, except in a very few cases that come under national control, such as the counterfeiting of money and the robbing of the mails (chapter XVIII).

In this division of powers between state and national governments we see the American love for self-government emphasized. The people of each state retain for themselves the regulation of almost all the details of their lives. In the course of our history, however, the national government has gradually extended the scope of its powers by a *broad interpretation* of certain clauses in the Constitution. For example, it was by a broad interpretation of the clause giving Congress the power to regulate interstate commerce, that Congress recently enacted a pure food law, thus protecting the health of the people, which has been considered primarily a duty of the state.

Relation between state and local governments

The second division of the powers of government is between the central state government and the government of local communities. The relation between the local government and the central state government is somewhat different from the relation between the state and the national governments. The state governments are in no sense branches of the national government. State and national governments both get their powers directly from the people. The local governments are merely branches of the state government, and get their powers from it, and not from the people of the local community. The state government is organized according to a plan laid down in the state constitution, which is *framed by the people themselves*. A city government is organized according to a plan laid down in a *charter*, which is *granted to the people of the city by the state legislature*. The local gov-

ernments have for their work primarily the carrying out of the laws enacted by the state government. Their duties are chiefly *administrative.* For example, there is a state law against burglary; but it is the local officers who protect property against burglars and arrest offenders. Local governments are allowed some law-making powers, especially in cities where the city council enacts ordinances (see chapter XXII). The principle of the division of powers between state and local governments, however, is the same as in the division between national and state governments; that is, to leave matters that touch the life of the individual most closely, and are of purely local interest, in the hands of the local government as much as possible, while matters of more general interest, such as the regulation of the railroads and matters of general health, are regulated by the central state government.

The relation of the different governments to each other and to the people is shown by the diagram on page 166.

The separation of legislative, executive, and judicial powers

A third important feature of the organization of our government is the *separation of powers* among the three branches — legislative, executive, and judicial. The laws are made by the legislative branch. The enforcement of these laws is intrusted to the executive branch. If any question arises as to the meaning of the laws, it is finally settled by the judicial branch. The purpose of the separation of powers is to prevent any one man, or group of men, from acquiring too much authority and becoming despotic. The legislative body may restrain the executive by refusing to appropriate money for executive purposes, as often happened in the colonies; or it may impeach the executive (see page 221). If the legislature steps beyond the bounds fixed by the people in the Constitution, the judicial branch

The people govern themselves through the machinery of

- National Government
  - Which has control over matters of national interest, such as
    - Common defense
    - Foreign Commerce
    - Interstate Commerce
    - Coinage
    - Post Office
    - Punishment of crimes against United States laws
- and
- State Governments which are divided into
  - Central Government
    - Which has control over matters of general state interest, such as
      - Business relations
      - Family relations
      - Crime
      - Education
      - Protection of health
      - Protection of property rights
  - and
  - Local Governments
    - Township
    - County
    - Village
    - City
      - Which administer the laws of the state and have law-making powers in such matters as
        - Paving streets
        - Building bridges
        - Regulating speed of vehicles and other matters of purely local interest

may declare the law null and void. There is thus *a system of checks and balances* by which each branch of government is restrained by the others, thus safeguarding the liberties of the people. This system is found, to a greater or less extent, in local, state, and national governments.

Representatives chosen by the people from their own local districts

It is a principle of American government that the people's representatives shall be chosen by the people of the various localities from their own number. The English colonists in America felt that they were not represented in the House of Commons, because they did not have a voice in choosing representatives to that body, nor did any member of the House come from America. In the early history of Massachusetts the people gradually allowed the taxing power to fall into the hands of a few men called the governor's assistants, who held office from year to year without reëlection. One day the people at Watertown decided "that it was not safe to pay moneys after that sort, for fear of bringing themselves and posterity into bondage." Therefore "every town chose two men [from its own citizens] to be at the next court to advise with the governor and assistants about the raising of a public stock, so as what they should agree upon should bind all." This idea has become a settled custom in the United States. Each city ward elects representatives from its own residents to the city council. In some states, at least, each township has its representatives on the board of county commissioners. Each state is divided into districts, from each of which a representative is sent to the state legislature, and into other districts, from each of which a representative is sent to the lower house of the national Congress. Each state has two representatives in the United States Senate.

The right to vote for representatives in the government is called the suffrage. It is not a right that all citizens possess, like the right to life, liberty, and property. It is a privilege bestowed by the state on those who have certain qualifications. These qualifications are prescribed by the state constitutions. Only in one case does the United States Constitution limit the right of the state to regulate the suffrage; that limitation is found in the fifteenth amendment, adopted after the Civil War, which reads, "The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude."

The suffrage

At the beginning of our history the right to vote was limited to a relatively small number of the citizens. These restrictions have largely been removed. We have become more *democratic*. But there are still some restrictions, which vary more or less in the different states. In no state may any one vote who is under twenty-one years of age. All states require a residence in the state, and in the county and city ward, for a certain time prior to voting. In only four states do women have the right to vote at all elections, although in a number of states they may vote at school elections, and in a few cases in elections for city officers. In colonial times the right to vote was denied to all who did not own a certain amount of property. Today property restrictions have been almost wholly removed. It was also common, in colonial times, to deny the right to vote to all who were not members of a given church (see page 150). All religious qualifications have long since been removed. The suffrage is denied to citizens who are mentally unsound, and in some states to those who cannot read and write, and to paupers. A citizen may also be

Qualifications for the suffrage

disqualified from voting by crime. With comparatively few exceptions, all male citizens who are twenty-one years of age or over possess the suffrage. In a few states even aliens may vote at all elections, provided they have declared their intention of becoming citizens.

If at an election each voter should cast his vote for the man of his individual choice, it might easily happen that among the many men voted for no one would fairly represent a large number of citizens. It is necessary that the choice of the voters be limited to a few men who are nominated as the regular candidates for the offices in question. The method of nominating candidates for the many elective offices in our country is very complicated.

Nominations

The California legislature of 1909 *enacted a Direct Primary Election Law which provides that candidates for national, state, county, and certain city offices shall be nominated by a direct vote of the people; thus doing away with the old system of nominations by party conventions.*

The same law provides for a "method whereby electors of political parties may express their choice at such primary election for United States Senator," and "members of the legislature shall be at liberty to vote either for the choice of their respective districts expressed at said primary election, or for the candidate for United States Senator who shall have received the indorsement of his party at such primary election in the greatest number of districts electing members of such party to the legislature."

This Direct Primary Election Law is long and complicated, but a copy of it may be had, if desired for further study, by writing to the Secretary of State, at Sacramento.

In every community there are differences of opinion on almost any question, as in religion, in educational

matters, or in business policy. If any such question is to be acted upon, those whose opinions are alike will act together in opposition to those who think differently. In questions of government there are differences of opinion. In the division of the people on any such question, those who think alike and *act together systematically and constantly* constitute a political party. The party may be of a local character and may be formed with reference to a local question, such as the paving of the streets or the licensing of saloons; or it may be national in its extent and arise out of some great national question, such as the extension of slavery or the acquiring of new territory.

Political parties

When Washington was first elected President, questions of governmental policy had not yet divided the people, and his popularity was so great that all united on him as their choice for the presidency. When differences of opinion arose over the bank, foreign policy, internal improvements, and other matters, each party strove to elect representatives to the government who would carry out its ideas. It must first of all agree on a single candidate for each of the offices, so that the party's vote would not be divided.

The first method that was used by the parties for the nomination of a candidate for the presidency was for the members of each party in Congress to meet and make the nomination. This method after a while became unpopular because the nomination fell into the hands of a small group of politicians, and the people felt that they did not have a sufficient voice in the matter. Then the custom arose of making the nominations in the several states. Sometimes it was done by the party members of the state legislature. The custom

Methods of nominating candidates

gradually began to prevail of holding state conventions composed of delegates elected by the people of the state especially for the purpose. This method had the advantage of placing the nomination more directly in the hands of the people. It had the disadvantage of tending to divide the party, for each state was likely to nominate its

AN ELECTION SCENE.
Each voter has his name checked off from the book where it is registered and then passes into the building, where he casts his vote.

own favorite candidate regardless of the action of the other states. This difficulty was finally overcome by placing the nomination of the candidates for the presidency and the vice-presidency in the hands of a national convention composed of delegates from all the states. This is the method now in use.

Let us suppose that an election time is approaching when officers are to be chosen for the local, state, and national governments. We will suppose that all these offi-

cers are to be chosen at the same time, although that is not always the case. Several months before the election day, the proper committees of each party (see page 173) call for the primary elections. These are elections held in each of the smallest election districts of the state. In cities the primary district is sometimes the ward and sometimes the precinct, a subdivision of the ward; in rural districts it is the township, or precinct of the township. It is the business of the primary to nominate candidates for offices of the primary district, as ward councilmen or township trustees, and *to elect delegates to nominating conventions of larger districts.* This business is sometimes transacted in a meeting, or *caucus*, of the voters of the primary district; sometimes it is done by ballot, each voter going individually to the voting place sometime during the day. The candidates are chosen from among a number of men who have previously announced through the newspapers and otherwise their willingness to be considered.

Primaries

Delegates are chosen to several conventions for the nomination of candidates for the offices of larger areas. There are *county conventions*, at which nominations are made for the county offices; *city conventions* for the nomination of city officers; *assembly district conventions*, at which candidates for the lower house of the state legislature are nominated; *senatorial district conventions*, for the nomination of candidates for the state senate; *congressional district conventions* for the nomination of candidates for the lower house of Congress; and *state conventions* for the nomination of candidates for the various state offices. These various conventions meet at times set by the proper committees of each party.

Conventions

The state convention not only nominates the candidates

for the state officers, but also elects delegates to the *national convention* for the nomination of President and Vice-President. Sometime during the summer preceding the national election, which occurs early in November, the national convention of each party meets and makes its nominations. Faithful party members are expected to render their support to the candidates nominated by their respective primaries and conventions.

The period of three or four months between the nominations and the election day is spent by each party in trying to win support for its candidates. The winning of votes sometimes seems to be the all-important thing, without due regard to the right or wrong of the methods used.

The campaign

To arrange for the nominations, to carry on the campaign, and to provide for the elections, requires a thorough organization of the party. The management is largely in the hands of committees. Each of the election districts named above, from the ward to the state and nation, has its central committee. It is the business of these committees to keep in touch with the voters, to gather and distribute information, to collect and disburse funds for the conduct of the campaign, to provide speakers, publish literature, and to do many other things. The committees of the larger districts, and especially the state and national committees, are of great importance and exert great influence. The chairmanship of the national committee is sought by ambitious men as much as the highest public offices in our government.

Organization of the party

We have been speaking, for convenience, as if there were only one campaign and one election time for all offices in our government, local, state, and national. This

is not, in fact, the case. The terms are not the same length for all offices. The President and the Vice-President are elected for four years, members of the House of Representatives for two years, judges for the state courts, when not appointed, for from two to twenty-one years, governors for from one to four years. The practice in the United States is to make the terms of office short in order to give the people a chance frequently to express their approval or disapproval of the service rendered by their representatives. The frequency of elections is increased by the fact that in many cases local elections are held at different times from national elections.

Frequency of elections

Not all of our representatives in the government are chosen by a direct vote of the people. In some cases they are elected indirectly by the people through their state legislatures. Thus the United States senators are chosen. It was once the common practice for the state legislatures to elect governors; to-day the governors are chosen in all the states by the direct vote of the people.

Indirect election of some representatives of government

The Constitution of the United States provides that the President and the Vice-President shall be elected by a group of men from each state, called *electors* (Art. II, sec. 1, clause 2; Amendment XII). Each state may appoint its electors in any manner it chooses. Formerly they were appointed by the state legislatures; but to-day they are elected by popular vote in all the states. When the voters go to the polls on election day in November, they in reality cast their ballots for the electors, who have been nominated in the state convention, and not for the President and the Vice-President directly. The intention of the Constitution was that the electors should have the

choice of the President entirely in their hands, the thought being that they would be better able than the people to select a capable man for the office. Since the party system, with its method of making presidential nominations, has arisen, the choice by the electors is a mere form, for they invariably vote for the candidates nominated by their party convention.

Appointment of officers

By far the greater number of those who serve the people in government offices are not elected at all, but are appointed by various executive officers, such as the President, the governors, the mayors of cities, and their subordinates. It would be impracticable for the people to elect all the thousands of officers and employes necessary for carrying on the work of the government. It is deemed better to elect only the chief officials, upon whose work the people can keep their eyes with comparative ease, and to hold them responsible, not only for their own work, but also for the work of all those whom they appoint to subordinate positions.

This, in general, is the way in which the people provide for the machinery of the government which is to serve them in regulating the affairs of the community.

The citizen must obey the government as the agent of the community

One point further needs to be emphasized. We have said that government is the servant, and not the master, of the people. What, then, about obedience to the government? Shall masters obey their servants? The feeling of *personal responsibility* for the conduct of community affairs, and *obedience*, are the two most essential qualities of good citizenship.

The government represents the community, and the individual is called on to obey the government as the agent of the community. When the government says to an in-

dividual that he must do this, or that he must not do that, it is the voice of the people speaking to him through the government. It was William Penn who said: "*Any government is free to the people under it where the laws rule and the people are a party to those laws. Liberty without obedience is confusion, and obedience without liberty is slavery.*"

FOR INVESTIGATION

1. Review together in class the preamble of the Constitution, noticing carefully the thought and the language.

2. Discuss direct and indirect self-government. Does direct self-government exist in any way in your community?

3. Discuss in class the meaning of democracy; of a republic. What other forms of government are there besides republics?

4. Discuss the meaning of a federal nation, and of the federal government. Emphasize the division of powers between state and national governments.

5. Study the powers of Congress enumerated in Art. I, sec. 8, of the Constitution. Study the powers denied to the states by the Constitution in Art. I, sec. 10.

6. Discuss some of the powers that may be exercised by both state and national governments.

7. Discuss carefully in class how the relations between state and local governments differ from the relations between state and national governments.

8. Give examples of how the local government carries out the provisions of state laws.

9. Give examples of some of the laws enacted by your local government.

10. What are the advantages of having our representatives live in our own locality? What disadvantages might arise from this custom?

11. What are the qualifications for the suffrage in your state (see state constitution)? Do you think that these qualifications should be increased, or otherwise?

12. Report on the meaning of the fifteenth amendment to the Constitution, and the historical reason for its enactment.

13. What are the great political parties of to-day? What are some of the questions on which they are opposed to each other?

14. Are there, or have there been, in your community any local political parties growing out of local questions?

15. How are primaries held in your community?

16. Investigate, and give an outline of, the method of nominating your county officers, from the primary to the final nomination; your city officers; your state officers; the President.

17. Find out what you can about the organization of the party which you favor in your community and in your state (committees, etc.).

18. What are some of the methods used in conducting a political campaign?

19. What is the method of electing the President as given in the Constitution, Art. II, sec. 2, and Amendment XII? Discuss in class the purpose of this method, and how the method actually works.

20. Think of the persons holding government offices or positions in your community, and estimate about what proportion of them are elected, and what proportion appointed.

21. Study carefully the meaning of the quotation from William Penn given in the last paragraph.

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The prime thing that every man who takes an interest in politics should remember is that he must act, and not merely criticize the actions of others. It is not the man who sits by the fireside reading his evening paper, and saying how bad our politics and our politicians are, who will ever do anything to save us; it is the man who goes out into the rough hurly-burly of the caucus, the primary, and the political meeting, and there faces his fellows on equal terms.

— THEODORE ROOSEVELT.

It requires a greater patriotism to live a life that is of service to our country than to sacrifice a life on battle-field or in naval combat. Live heroes are of much more value than dead heroes.

CHAPTER XX

SOME DEFECTS IN THE SELF-GOVERNMENT OF OUR COMMUNITIES

In some ways our self-government does not work as intended. In the first place it is not always representative of all the people, but is *a government of the people by a few*. One reason for this is that the people themselves lack sufficient interest to take part in government as much as they could. They do in this as they are inclined to do in other matters: having employed some one to look after the business of government for them, they feel relieved of all responsibility. If we are to be a really self-governing people, each citizen must take an active part.

Self-government demands active interest of all citizens

There are only a few ways in which most citizens can take part in government, but these are very important. Not many citizens can hold office. In a self-governing community it is the duty of a citizen, as well as a privilege, to take office when the community calls upon him. It may seem unnecessary to emphasize this, for usually there are more men who want office than there are offices to fill. The trouble is that the men who seek office do not always make the best officers. The men who will look after the community business best are most often men who have large interests of their own. The wide-awake community that is fully alive to its best interests will usually look among these busy, successful men and say to one of them, "You are capable, honest, and successful in man-

The duty of taking office

aging your own affairs; we want you to help manage the community's affairs in office." Unfortunately such men too often shrink from the burdens and cares of office, or from giving up the necessary time from their own business. Patriotism to one's community calls for just such sacrifices.

The same lack of patriotism is shown in a smaller way by a larger number of citizens who make all manner of excuses to avoid public service of various kinds. A good example of this is in jury service. Every person accused of crime or sued at law has the right to trial before a jury of his fellow-citizens (Constitution, Amendments VI and VII). Nearly every man may be called upon to serve on a jury, and he is shirking an important responsibility if, without good cause, he seeks to avoid it. There are some classes of men who are regularly and properly excused from jury service, such as physicians. Other men may, at times, have a valid excuse for not serving. The fact that it is so difficult to get jurymen from the best classes of citizens often results in juries of idlers and ignorant men. One of the strongest safeguards against injustice is thus weakened.

Patriotism in jury service

The paying of taxes is a most important way of taking part in the government. All citizens who have property are taxed to help pay the expense of government. It is surprising to find how many citizens endeavor to avoid paying their share toward sustaining the government in its work for them.

Patriotism in paying taxes

Another way of taking part in the government is by voting for the nomination and election of officers. Thousands of voters stay away from the polls on election day, throwing away the privilege of self-government, and allowing others to govern them. This

Patriotism in voting

is especially true at the primaries, which are really the most important part of an election. The choice of good men for the highest offices in the land, even the President, depends on the choice of good men at the primaries. Yet it is notorious that the primaries are poorly attended.

Why men do not attend the primaries

There are several reasons for this. One is that men feel too busy to leave their work, or they consider the election of delegates and the nomination of local officers too unimportant to take their time. Another reason voters give for not attending the primaries is that they are unacquainted with the candidates for nomination or election, and therefore cannot vote intelligently. In large communities where men do not know all their neighbors, it is difficult for the ordinary busy citizen to keep informed in regard to the merits of the various candidates. If a citizen is sufficiently interested, and does not wait until a day or two before the primary to inform himself, it is usually possible for him to enlighten himself sufficiently to cast his vote wisely. This excuse is often an admission of flagging interest in what is going on in the community during the time between elections. In many of our cities there are reform associations which publish, before election time, the names of the candidates of all parties with a sketch of their records as citizens and public servants.

Primaries controlled by a few

Another thing that keeps many voters away from the primaries is the feeling that their votes have no real influence, either because of unfair treatment at the primaries, or because the action of the primary is determined beforehand by a few party leaders. Even these are not sufficient reasons for staying away from the polls. If all good citizens in a primary district always attended the primaries, there would

usually be enough of them to prevent a small group of politicians from controlling affairs against their will. By staying away the timid voters abandon the fight, before it is begun, to the small but wide-awake group of politicians, who can therefore run things as they please, whether for good or for ill.

This brings us to some of the dangers to self-government resulting from the way in which political parties are organized and managed.

Political parties are unavoidable under a form of government like ours. They are the means of securing united action among the voters who think alike. A voter cannot accomplish much unless he belongs to a party and works and votes with it. Yet it must be remembered that a party is merely a means to accomplish a result, and not in itself a sacred thing. The purpose of a party should be to secure good government *for all the people.* The words of Washington in his Farewell Address should always be kept in mind by the patriotic American citizen. He said: "The spirit [of party], unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy. The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissensions . . . is itself a frightful despotism. . . . The common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it."

Dangers of the party spirit

In a government in which the voice of the people rules, and in which the people are divided in their opinion, it is

necessary that the majority shall rule. The party that represents the majority of the voters must determine the policy of the government; but it should not be forgotten that the party in power should govern in the interests of the minority as well as of the majority. The minority should always have an opportunity of expressing their views in the councils of the government, and the party in power should respect their views as far as possible.

The majority should rule for the benefit of all

To secure united action among the members of a party there must be organization under the direction of leaders. Each city ward has its leader, or leaders, who gain their position through their ability to influence the voters of the ward and to hold them together. These ward leaders are under the authority of a leader, or "ring" of leaders, for the whole city. If one leader gains great influence over the party in the city, or in the state, he is called a boss. This organization extends throughout the nation, with branches in every community. The organization is often called the machine, the group of leaders controlling the machine is a political ring, and the boss is the commander-in-chief of all, his influence sometimes being limited to a city, or extending over a state or even the whole nation.

The party machine, rings and bosses

These names — machine, ring, and boss — were applied by the party's enemies. They do not necessarily mean anything bad. A machine (that is, an organization) is necessary, and there must be bosses, or leaders. The evil connected with these things arises from the fact that the machine sometimes falls into the hands of ambitious, but unscrupulous, bosses and rings, who manage the party merely for the party's sake, or what is worse, for their own selfish ends.

Party management for selfish ends

It sometimes happens that bosses and rings are themselves under the domination of wealthy corporations which are seeking to secure legislation favorable to their own interests. In such cases the people are not their own governors, but are subject to the despotism of the corporations.

Despotism of wealthy corporations

The leaders of a party use various methods to maintain their control over the voters, and over the subordinate leaders. Sometimes they do it by argument and persuasion, sometimes by threats, sometimes by promises of reward, and sometimes by actual bribery. A common method is to hold before the party worker the promise of reward by appointment to some office of government.

How the party maintains control over voters

Nearly all the offices of government are filled by appointment, and constitute the civil service. There are about three hundred thousand such offices or positions under the national government, and probably as many more under the state and local governments. It is necessary that some of the more important of these offices should be filled by men who will sympathize with the policy of the government as indicated by the party in power, as in the positions of the cabinet officers who are advisers with the President and carry out his policy. There are, however, some offices in which party feeling should not be allowed to enter at all, as in the case of judges of our courts. Their business is to interpret the law and to render justice, which is always the same under any party. There are many thousands of other offices, or government positions, in which a man's party beliefs would make no difference in the performance of his duty, as in the case of postmen and mail clerks.

The civil service

It early became the practice of a victorious party to dis-

miss many members of the defeated party who were holding government positions, and to fill their places with its own members. This plan began in the national government under Andrew Jackson, and is known as the spoils system, because it was founded on the principle that "to the victors belong the spoils."

The spoils system

The spoils system brought with it a train of evils. The changes made in the civil service with each change of administration were injurious to the efficiency of the service. The worst evil was the habit it cultivated of looking upon the offices of government as booty, to be sought for, and even fought for, *as rewards for party service.* The man who works for a party merely for what he can get out of it in the shape of a salaried office is not a safe man for the people to put their confidence in as their representative in government.

Government offices are posts of service, not a reward

A great deal has been done in the last few years to destroy the spoils system of making appointments to office. In 1883 a civil service law was passed, and a Civil Service Commission created by Congress, for the purpose of improving conditions. By this act a merit system of making appointments was introduced. By the merit system, candidates for the civil service must pass a competitive examination to show fitness, and when appointed, they hold office during good behavior. At first this system was applied to only a few of the offices, but the number of offices in which it operates has steadily increased until to-day more than half of the national offices are subject to it. The merit system of appointment has been adopted also in some states and cities.

The merit system in the civil service

In a number of states, laws have been passed to secure

honest primaries. The *caucus* method of holding primaries (that is, the meeting together of the voters of the primary district) has been abandoned in many places. Instead, nominations are made by ballot, as in the case of a regular election, each voter going singly to the polls to cast his vote. Another reform to prevent voters from being unduly influenced by threats or bribery is the *Australian system* of elections. Formerly each party had its ticket (list of candidates) printed on a separate piece of paper, usually of different color from the tickets of other parties. It could then be seen how each man voted, and he could be held to account by watchers. The Australian ballot contains the names of the candidates of all parties on a single sheet of paper. Every voter receives one of these from election officers, and retires alone into a booth where he marks the names of the candidates for whom he wishes to vote, unseen by any one. The secrecy of his ballot gives him greater independence. A more recent device is the *voting machine*, which makes fraud in the casting or counting of votes practically impossible.

Reform of the primaries

The Australian ballot

The most important thing of all to insure honest and capable government, government that is really for the people and by the people, is for every good citizen who has the right to vote to take part actively in the government. There have recently been remarkable reforms in government in some states, and especially in some cities. In every case these reforms have been brought about only when the majority of good citizens became aroused, and worked together in season and out of season to secure the retirement of dishonest officials and the election of honest men. It is every citizen's supreme duty to keep himself informed

Responsibility of the citizen for reform

in regard to political matters, and to take an active part in securing good government.

Conditions are getting better, not worse

The question may arise in our minds whether our government is all that it pretends to be, and whether we are the free and self-governing people that we usually consider ourselves. We must not get a wrong impression of the situation. Any plan, however excellent, is bound to miscarry at times when it is in the hands of imperfect human beings. It must not be supposed that our plan of government is wrong because it is sometimes wrongly used. Neither must it be supposed that it is wrongly used in the hands of all officers. Instead, we have great reason to be hopeful that the defects in our government will disappear. We can feel assured that the great majority of the people will do right when they see the right, and that there are to-day many honest and patriotic leaders who are earnestly striving to give the people the best that government can secure. Conditions are not getting worse, but better. If we see more corruption to-day than formerly, it is rather because we are opening our eyes, and that we are striving more earnestly to uproot the evils.

FOR INVESTIGATION

1. Discuss in class the question whether we are a democracy or an oligarchy.

2. Why is holding office a duty? Why is it a privilege?

3. How are jurymen selected? What will debar a man from serving on a jury? What would you consider a good excuse for an ordinary business man's not serving when called on?

4. Are the primaries in your community well attended? Try to find out the reasons for non-attendance from some of the men of your acquaintance.

5. Is there any organization in your community that tries to inform the people of the records and character of the candidates for nomina-

tion and election? Why might it be difficult to get reliable information in regard to these matters?

6. Have any laws been passed recently in your state for the reform of the primaries? What are the main features of these new laws?

7. Study those parts of Washington's Farewell Address that deal with political parties. Discuss carefully his meaning.

8. Investigate the methods of conducting primaries in the worst districts of large cities. Where are they held? How are they managed? Are similar methods used anywhere in your own city?

9. Report on the history of Tammany Hall in New York.

10. Report on the history of the Gas Ring in Philadelphia.

11. Report on the application of the spoils system under Jackson's administration.

12. Report on the history of civil service reform.

13. Is the merit system of appointment used in your state?

14. Is the merit system of appointment used in your city government? How does it work?

15. Look up the story of the recent reform in the government of Philadelphia, San Francisco.

16. Look up the story of the recent reform in the government of St. Louis, Los Angeles.

17. Are voting machines used in your community? How do they work?

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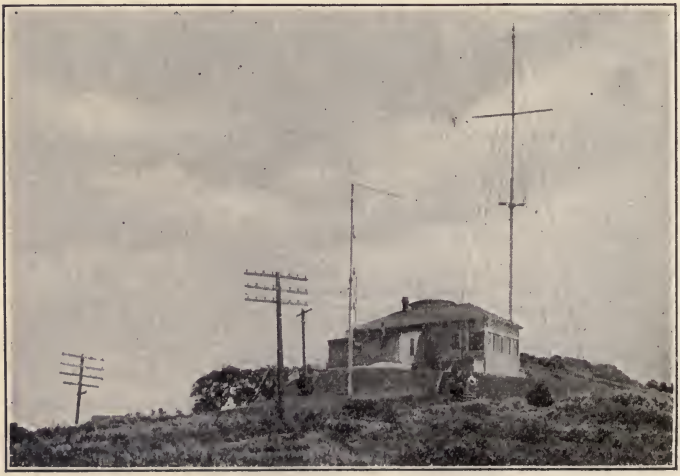

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CHAPTER XXI

THE GOVERNMENT OF RURAL COMMUNITIES: TOWNSHIP AND COUNTY

THE English colonists who settled in America were familiar with forms of both national and local government in England. Their removal to America did not at first change their national government in any way, for the English government remained theirs. To meet their local needs, on the other hand, it was necessary to establish some form of local government in this country. In doing so, it was natural that they should imitate the forms with which they had been familiar in England.

In the early times of English history the smallest political division of the land was the *town*, which, in those days, consisted of a palisaded village with surrounding farm and pasture land; it was governed by a meeting of the men of the town, or *town meeting*. In the troublous course of early English history, these towns lost their right of direct self-government. Meanwhile another division of the land had appeared for purposes of *church government*. This was the *parish*, which was under the control of the parish priest. The parish usually coincided in area with the older town. The people of the parish met in a *vestry meeting*, to assess the church rates for church expenses and the care of the poor. As the powers of the town meeting declined, the vestry meeting gradually assumed them, until it became really the same thing as the older town meeting.

Origin of township and town meeting

When the Puritans left England because of restrictions on their religious liberty, they went in congregations; and when they settled in Massachusetts, they settled in little palisaded communities around the church. Under these conditions it was natural that the New England colonists should adopt the town, or parish, form of government with which they were familiar. Each little community, including the village and the surrounding farms, was called a town, or township, and was governed by a meeting of all the freemen (landholders) who belonged to the church. This meeting was called the *town meeting*. It originally met in the church, but afterward in the *town house*. It levied taxes for church purposes, to provide for the poor, and to pay the expenses of government. It provided for a school. It authorized the construction and repair of roads and bridges. The laws enacted by the town meeting were called *by-laws*, which means town laws.

Why the township system was adopted in New England

The town meeting

For the execution of the by-laws it was necessary for the town meeting to elect officers. First of all, there were from three to nine selectmen, the number varying with the size of the township. They had general supervision over all community business. They represented the town when the town meeting was not in session, and called the town meeting when necessary. The *town clerk* kept the records of the business of the town. The *town treasurer* received the taxes of the people, and paid the expenses of the community. There were *tax assessors*, who determined the amount of tax each citizen must pay, and *overseers of the poor*. The *constable* served warrants issued by the selectmen, arrested criminals, and sometimes collected the taxes. Each town had also a *school committee*.

Town officers

In England, at the time when America was colonized, the parish was only a part of the local government. There was also the *shire*, or *county*. The county included a number of parishes, or townships. Over the county there was a government which at one time was composed of representatives from the townships and cities, but which afterward consisted of a number of *justices of the peace* appointed by the king. These justices constituted the *court of quarter sessions*, meeting every quarter of the year to hold court. They were both a judicial body, trying cases at law, and an administrative body, managing the affairs of the county.

Origin of the county

The colonists of Virginia did not come like the Pilgrims for religious freedom, or like the later settlers of Massachusetts for political freedom. They came in search of wealth. Virginia is a rich farming country, in which the cultivation of tobacco in great plantations proved to be the most profitable industry. The colonists scattered themselves along the rivers, as planters, instead of living in compact communities like the New England colonists. When they organized themselves for local government, therefore, they adopted the English plan of county government, instead of the township plan. The whole colony was divided into counties, over each of which was placed a *county court*, consisting of eight justices of the peace. These justices were appointed by the governor of the colony, as in England they were appointed by the king, but they could themselves fill vacancies in their number. The county court was primarily a judicial body, trying cases at law, and meeting for the purpose about once a month at a designated point called the *county seat*. It had also administrative powers, as in England. It appointed *highway surveyors* and *constables*. It levied

The county system in Virginia

taxes for the maintenance of roads and bridges, and for other expenses of government. In each county there was a *sheriff*, appointed by the colonial governor. His chief duties were to execute the judgments of the court, and to serve as treasurer and tax collector. Another important officer was the *county lieutenant*, who had command of the militia.

Los Angeles County Court House.

Two forms of local government

Thus we find two forms of local government in the colonies. Both were brought from England, but each was adapted to the peculiar conditions in which the colonists found themselves. The township system prevailed throughout New England, where it is still the unit of the political organization. The town

meeting may still be found in many small communities, although it has necessarily been abandoned for the representative system in the larger communities. The county system prevailed, with some variations, throughout the Southern colonies, where the conditions of life were very much alike, and it is to-day the unit of the political organization throughout the Southern states.

New York and Pennsylvania, lying between New England and the Southern colonies, were influenced in their forms of local government by both sections. They developed both township and county. **The mixed type**

In New York the township predominated, and it was organized very much as in New England. The townships, however, were grouped into counties, and each township in a county elected each year a member of the county *board of supervisors*. In Pennsylvania, also, there were both township and county, but the latter predominated over the township. The county officers in Pennsylvania were all elected by the people of the county, instead of being appointed by the governor as in Virginia.

Throughout the West the mixed form of township-county government prevails, sometimes the township, sometimes the county, predominating. The influence of the township is especially strong in the Northwest, where there is a large New England population. In Michigan, northern Illinois, and other parts of the Northwest, the town meeting still manages the affairs of the township. The influence of the town meeting in developing a strong citizenship has been very great. All voters have the right to attend and to take part in the discussion and settlement of affairs. Experience shows that, as a rule, they take advantage of their right. Others besides voters often attend in order to listen to the discus- **The influence of the town meeting**

sions. The town meeting thus becomes a school of instruction in public matters. Nowhere else do we find such general interest in public questions as in the parts of the

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SACRAMENTO COUNTY'S NEW COURT HOUSE, CALIFORNIA.

country where the town meeting prevails. It encourages healthy, active citizenship, and impresses upon the community the value of its common interests.

The county system of representative government is more

practicable throughout the West than the township with government by town meeting. The country is almost wholly agricultural and the population is widely scattered. On the other hand, the existence of the congressional townships surveyed by the national government to aid in the settlement of the land (see page 45), suggested that they be adopted as civil townships for purposes of local government. Everywhere throughout the West, therefore, we find both township and county governments with varying relations between them. Even in the South the counties are tending to break up into smaller divisions for some purposes of local government, especially in connection with school administration. The principle of local self-government is strong among the people, and they prefer the smaller township to the county as the unit of government. Except in the Northwest, however, the government of the township is now representative. It is in the hands of township trustees, who correspond to the earlier selectmen; the clerk, who keeps the records; the tax assessors and collectors; the justice of the peace, who presides over the township court for the trial of minor cases; the school trustees; the overseers of the poor; and numerous minor officers. At the present time the most important matters under the control of the township government are the schools, the roads, and the poor.

The township in the West

The main governing body of the county is the board of county commissioners, or supervisors. They administer the affairs of the county: they fix the rate of taxation; appropriate money for the building and repairing of public buildings, such as the courthouse and jail, and for the construction of roads and bridges; and appoint subordinate officials. Every county has its court, which is of higher grade than the township justice court, and

The Western county

is held at the county seat. The commands of the court are carried out by the sheriff, who also maintains order in the county and usually has charge of the county jail and its inmates. There are various other officers, among whom are the county treasurer, the tax assessors and collectors, the superintendent of schools, the clerk, the coroner, and the surveyor.

In those states where the township has the chief importance in local government, the county exists for little more than judicial purposes. In other states the county government has many of the powers which the township government exercises elsewhere. There seems to be a growing tendency to centralize the administration of many local affairs in the county government, or at least to give the county government supervision over the affairs of the townships. This is seen in the administration of the schools and of roads. This supervision secures greater uniformity and efficiency than would be the case if each township had exclusive control over these matters.

FOR INVESTIGATION

1. Is the township or the county the more important division for local rural government in your state? Can you explain why?
2. Are town meetings ever held in your state? If so, have you ever attended one? Describe the meeting.
3. What are your township officers? Make a list of them, and state their duties.
4. How are the various township officers chosen?
5. Is there any law-making, or legislative, body in your township? If so, with what kinds of things do its laws deal?
6. How are the laws enforced in your township?
7. Are there any courts in your township? If so, what are they? What kinds of cases do they try?
8. Make a list of your county officers. State their duties.
9. How are the county officers chosen?
10. What legislative body is there in your county?

11. What executive officers are there?

12. Do the county legislative officers have any executive powers?

13. Are there any county courts in your county? What kinds of cases do they try?

14. What buildings belong to your county and township? What are their uses?

15. Make a map of your county, showing townships. Notice the shape of the townships and the county. Do their boundaries follow the lines of the government survey? Explain any irregularities in the shape of the townships. Locate the county seat.

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A Superior Court Room.

Showing judge, jury, sheriff, district attorney, clerk, lawyers, and the prisoner on trial.

CHAPTER XXII

THE GOVERNMENT OF THE CITY

THE growth of cities in the United States has been very rapid. In 1790, when the first census was taken, there were in the United States only six cities with a population of 8000 or more. The largest, Philadelphia, had but 28,500 people, and all together the six cities contained 132,000 population. In 1900 there were 546 cities of 8000 population or more, comprising a total of 25,000,000 people. New York at the last census had nearly three million and a half, while Chicago, which was founded only in 1830, had nearly a million and three quarters population. In 1790 but one thirty-third of the total population of the country lived in cities; to-day, cities contain one third of the total population.

Rapid growth of cities

Cities have brought with them serious problems of community life and of government. Where so many people are crowded together, there are many conflicting interests. Each person is more dependent on others for his well-being than is the case in rural communities. The mixed character of the population found in most large cities also presents problems difficult of solution (see chapter VII). Other problems are found in the distribution of the population, involving the question of transportation and that of the crowded tenement districts. Still other difficulties arise from the rapid growth of cities to a size originally unexpected. In the early days of

Problems of city government

Chicago, for example, men had no idea that it would ever be a great city. Care is not taken, under such circumstances, to plan these young cities for the accommodation of future crowds. As it is, American cities are constantly being made over, often resulting in an unsymmetrical appearance and perhaps in great inconvenience. These and other problems affecting the welfare of cities did not attract much attention until after the Civil War; since then city government has become one of the greatest problems before the American people.

Cities receive their right of self-government from the state

Cities, like counties and townships, receive their right of self-government from the state. Their form of government and the powers they may exercise are prescribed in a *charter* granted by the legislature, just as some of the colonies received charters from the king. The city does not always have even the right of ratifying the charter. Since the charters are often long and detailed, and since the legislature usually holds the right to change them at will, the amount of self-government left to the city may be very limited. This control over the details of the business of cities by state legislatures is considered one of the chief obstacles to good city government. Legislators elected from all parts of the state, many of them coming from rural districts, cannot know the peculiar needs of the city so well as the people of the city themselves. Besides, it is very much easier for scheming politicians and corrupt corporations to exercise a controlling influence over a few legislators than over the citizens of the city.

Control by legislature

This interference by state legislatures in the affairs of cities is especially great when the legislature grants to each city a *special charter*. In some states a reform has

been made by enacting *a general form of charter* for all cities of a given size. This secures uniformity, and prevents to some extent constant meddling with the affairs of a particular city. A more important step toward self-government in cities has been

Tendency toward freer self-government

NEW CITY HALL, BERKELEY, CAL.

taken in a few states, where the charter is drafted and ratified by the people of the city and is then submitted to the legislature for its approval. The National Municipal League a few years ago drew up a *model charter*, which has been adopted with slight variations in a number of cities; and other cities have copied it in part when revising their charter.

The form of government of cities in the United States is, in a general way, alike everywhere, and similar to that of the states and of the nation. There is usually a *legislative* branch, an *executive* branch, and a *judicial* branch of government. In the organization of these branches, however, and in their relations to each other, there are great differences among cities, and between the cities and the state and national governments. The judicial branch of city governments consists of police, or justices', courts; often there is also a superior court. These are a part of the state judicial system, and will be mentioned in the next chapter.

The general form of city government

The legislative branch of city government is the council. Its members are elected by the people, the city being divided into *wards*, from each of which one or more representatives are chosen. In some cases the council consists of two chambers, an upper chamber, or *board of aldermen*, and a lower chamber, or *common council*. The upper chamber is always the smaller. The term of office of councilmen is short, usually one or two years. Their salaries generally are small. For the transaction of business the council is organized into committees, such as the committee on streets, on public buildings, and on finance. The mayor ordinarily presides over the meetings of the council, and sometimes has the power to *veto* its acts.

The city council

The council does not have great powers as a law-making body, since its powers extend only to matters of local interest that are not regulated by state law. The most important legislative power of the council is that of controlling taxation and expenditures for city purposes. In many cities even this power has been placed in the hands of a special *board of estimates*.

Powers of the council

Another important power of the council is that of *granting franchises* (see pages 50 and 112).

The executive branch of city governments consists of a mayor, together with a number of administrative boards or chiefs, and a large number of subordinate officials and employees. The mayor is now elected by popular vote in all cities, for a term varying

Executive. The mayor

CITY HALL, SANTA MONICA, CAL.

from one to five years. His salary also varies from a very small sum in many cities to $15,000 in New York City.

The work of administering the business of a large city is so great and so complex that it has to be subdivided. Hence there are various administrative departments under the supervision of *chiefs* or *boards*. Perhaps the most important of these is the

Administrative departments

department that manages the money affairs of the city. There is always a *treasurer*, and sometimes other financial officers, in this department. We have heard before of the *health department*, usually managed by a board (see page 56); the *fire department* (page 68) and the *police department* (page 72), both of which are sometimes united under the supervision of a *board of safety;* the *street department* (page 111) and the *building department*, which are also sometimes combined under a *board of public works.* The *street-cleaning department* (page 59) is often separate from the street department, which looks after the construction and repairing of the streets. The *department of education* is under the management of a *board of school commissioners* (page 122). These are only a few of the administrative branches found in our various cities, and each one of these is subdivided into several divisions or bureaus. Under them is a large number of subordinate officers and employees.

Mingling of legislative and executive powers

The boards and chiefs at the head of the departments are sometimes elected by the people, and sometimes appointed either by the council, or the mayor, or, occasionally, by the governor of the state. Police commissioners are sometimes appointed by the governor. The appointment of officers is an executive duty, and when it is done by the council, it gives that body executive duties as well as legislative. Indeed, the executive departments, such as those of streets and buildings, are often, especially in smaller cities, managed entirely by committees of the council. There is thus not a sharp division in cities between the legislative and the executive branches of government, such as we find in state and national governments. Not only does the council exercise executive powers, but some of the administrative

boards have legislative powers. Thus, the board of estimates (page 201) exercises the important legislative power of apportioning taxes and expenditures. The school board often has legislative powers of some importance.

Concentration of powers in the mayor

In America there has always been a fear of giving any one man too much power. This has led to the election by popular vote, and for short terms, of most of the city officers, in the belief that by so doing the people could keep their hands directly on the administration of the city's business. In the complexity of the affairs of a city, and with the numerous officers necessary to manage them, it is impossible for the people to hold every officer responsible to themselves. When anything goes wrong, it has been found almost impossible to fix the responsibility on any one. In handling the vast sums of money necessary in city government, and in the granting of franchises and the letting of contracts, there is abundant opportunity for things to go wrong. Therefore the tendency has been growing in our best governed cities to give the mayor full power to appoint his subordinates, as well as to remove them, at least in the case of the more responsible positions, and then to hold *him* responsible for the acts of his appointees.

Political parties and city government

City government has suffered greatly from the spoils system (page 184). When a new mayor is elected, he usually appoints new boards and heads of departments, and these, in turn, too frequently remove subordinates in their departments to make way for personal or political friends. One of the chief causes for this is the part that the national political parties take in city elections. National political questions have no place in city elections. Cities have local self-government in order to manage their *local*

MARKET SQUARE, NEWARK, N.J.

EXAMPLES OF CIVIC PRIDE IN CALIFORNIA.

1. Riverside High School and grounds.
2. Lake Merritt Boulevard, Oakland.
3. Homes in Bakersfield.
4. A morning jaunt.

business, such as paving streets, granting franchises, protecting property and health. These are purely business matters that demand business ability and honesty on the part of those who manage them, and have no relation to the great national issues that divide the parties against each other. The national parties retain their hold on city affairs partly to prevent party spirit and interest from flagging in the period between national elections, and partly to have at their disposal the vast number of city offices as rewards for faithful party workers in the community. The result of this is that not only the responsible positions at the head of administrative departments, but minor positions, such as those of policemen and of clerks in the city offices, are too often filled with men who have some claim on the party in power, but very little on the confidence of the people.

Progress is now being made, however, in the direction of removing cities from partisan control. One means of doing this is by holding city elections at a different time from state and national elections, in the hope of avoiding confusion between local and national questions. More important than this is the introduction of the merit system in the appointment of city officials and employees (see page 184). Good city government cannot be expected until those who carry it on hold their positions solely on the ground of efficiency and faithfulness to the trust reposed in them.

Civil service reform

FOR INVESTIGATION

1. What causes have led to the rapid growth of American cities?
2. Investigate your city charter with respect to the following points: By whom was it drafted? Did the people of the city have any voice in determining what the charter should contain? Has it ever been changed, and if so, how? Is it a special charter for your city alone, or is it a general charter, like that of other cities of the same size?
3. Investigate your city council with respect to the following points:

Has it one or two chambers? How are its members chosen? How many members from each ward? What is their term of office? What are the qualifications for councilmen? What is their salary? Where and how often do they meet? Who presides at its meetings? What are the important committees of the council?

4. How is the mayor of your city chosen? What is his salary? His term of office? Is the mayor of your city often reëlected for a second or third term?

5. Does the mayor in your city have large appointing powers? Does he have full power of removal from office? Is he held responsible for the acts of the various administrative departments? Does he have the veto power over the acts of the council?

6. Make a list of the administrative departments of your city government. Report on the organization of each department. How are the heads of the various departments chosen? What are the duties of each department?

7. Do any of these administrative departments have legislative powers? Does the council have any executive powers?

8. Ascertain about how many persons are employed by the city government. In what departments do you find the largest force of employees?

9. Does the merit system of appointment prevail in your city? If so, to what extent?

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YOUNG AMERICA IN CAMP.

That instruction which helps the pupils to understand the care of the body, and the true value of fresh air, proper food, exercise, and cleanliness, will add much to the wealth of a nation and the happiness of its people.

— DR. ALVIN DAVISON.

A man's or a woman's efficiency in this world is largely dependent upon his or her degree of health. Good health is the best investment that any one can possibly make. Bright minds can not make up for weak bodies.

Good health will bring in more money and produce more happiness than any other one thing in the world. Healthy people are nearly always happy; unhealthy people are rarely so. The world wants happy people.

— DR. ERNEST BRYANT HOAG.

CHAPTER XXIII

THE GOVERNMENT OF THE STATE

EACH state in the Union has a written constitution. This constitution is the fundamental law of the state, and gives to the government its form and powers. It is a law made by the people themselves, is superior to any law made by the government, and cannot be changed in any way except by the people themselves. The constitutions of the original thirteen states were adopted when these states declared their independence from England, and took the place of the colonial charters which had been granted by the king. They were a substitution of self-government for government by the king. The other states adopted their constitutions when they entered the Union. Each state constitution was framed by a convention of delegates chosen by the people for this purpose, and was ratified, in most cases, by a vote of the people.

State constitutions

The constitution provides for its own amendment and revision if defects appear, or if conditions change to such an extent that its provisions are not adequate. Amendment of the constitution consists merely in changing some of its provisions; revision is a recasting of the whole constitution. Both processes require the consent of the voters of the state. Amendments are usually enacted by the legislature and submitted to the vote of the people at the polls. Revision usually takes

Amendment and revision

place by means of a convention of delegates elected by the people for the purpose. The revised constitution is nearly always submitted to the vote of the people. In some states the constitution requires the legislature to give the people an opportunity to revise the constitution at stated intervals, say every ten or twenty years.

The constitution thus represents the supreme will of the people, and is intended to prevent any encroachment on their rights and liberties either by themselves or by the government which the constitution creates. One of the most important parts of every state constitution, therefore, is the *bill of rights*, which is a detailed statement of the rights which must not be infringed on by the government. In almost every state, the bill of rights occupies a prominent place in the first part of the constitution.

The constitution represents the supreme will of the people

The main part of each constitution contains the plan of government. Although the governments of the states differ in details to meet the peculiar conditions of each, the general plan is the same in all. The federal Constitution guarantees to each state a republican form of government (Art. IV, sec. 4). In each state there is a division of the government into a legislative, an executive, and a judicial branch, and the powers of each branch are separated from those of the others much more completely than is usual in cities (page 203).

General plan of government

As we learned in the second chapter, a community consists of a group of people united, in a common locality, *under common laws*, for the satisfaction of their common interests. There must be a *law-making* branch of government first of all. In all the states at the present time, the legislature consists of two chambers, or

The legislature

houses. The upper chamber, or *senate*, is usually from one third to one half the size of the lower chamber, or *house of representatives*. In the two-chambered legislature we have another illustration of the system of checks and balances; for every *bill*, or proposed measure, must pass each house separately before it can become a law. The people have always been afraid of the law-making power, and have hedged it around with restrictions and provisions to make hasty law-making difficult. For this reason, not only must the law pass each house separately, but in most states the executive is given a check on the legislature in his *veto* power. A bill to become a law must be signed by the governor. If he disapproves of the bill, he may prevent its passage by vetoing it, or recording his vote against it. In every state, however, the legislature may overcome the governor's veto by again passing the bill, usually by a two thirds majority.

Checks on the law-making power

The members of the legislature are chosen by popular vote. In many of the states the legislature meets but once in two years, and its sessions are often limited to a period of from forty to ninety days, both of which provisions are intended to prevent too much law-making. The lieutenant governor presides over the senate, while the house of representatives elects a *speaker* to preside. The speaker and the president of the senate have the power of appointing the committees in the two houses, by which most of the business of law-making is done.

The law-making power of the legislature extends to any subject whatever, except as it is limited by the Constitution (Art. I, sec. 10), the laws, and the treaties of the United States, or by the constitution of the state. The earlier state constitutions were short, and contained few restrictions on the

Restriction on the legislature by the constitution

power of the legislature. But partly through the love of the people for direct self-government, and partly because of a growing fear of the power of legislatures, the tendency has been to insert more details in the

THE GOVERNOR OF CALIFORNIA IN PRIVATE OFFICE, STATE CAPITOL, SACRAMENTO, CAL.

constitutions of the newer states, and to leave less to the discretion of the legislatures.

Another method of checking the power of the legislature, and at the same time securing more direct self-government, is by the plan known as the initiative and the referendum. The initiative means that the people have the power *to initiate,* or propose, legislation which the legislature must enact. By this plan, when a certain percentage of the voters propose a law to the legislature, the latter passes the law and then *refers it to the vote of the people* for their approval or disapproval. This referring the law to the vote of the people

Initiative and referendum

is the referendum. By the referendum, also, any law that has been passed by the legislature may be brought before the people for their vote, if a certain proportion of the voters demand it. This plan is in use in a few of the Western states.

Influence on legislation

A great many influences are brought to bear on state legislatures, which determine more or less completely the character of the laws passed. Legislation is often dictated by a political boss (see page 182), who may, in turn, be the representative of private interests. Citizens and corporations who have special interests which they wish the legislature to favor go, or send their representatives, to the legislative halls and committee rooms, and try to bring influences to bear on the legislators to secure the passage of the desired laws. This is known as *lobbying*.

Public opinion

Legislatures watch for every expression of public opinion on questions that come before them. The opinion of the people expressed through the newspapers, by public meetings, or by personal letters, has a great influence. This is one of the strongest safeguards of self-government. Law-makers seldom dare to meet the disapproval of the people when it is clearly and strongly expressed. From this it is evident that the responsibility of the citizen for his own self-government does not end when he elects his representative to the legislature. He must have opinions of his own on public questions, and must make them known.

The courts

Questions are constantly arising as to the meaning of the law, or how it applies to a particular case. To decide such questions the state constitution provides a system of courts, constituting the judicial branch of government. They are the stronghold of the citizen against injustice.

THE STATE SENATE OF CALIFORNIA IN SESSION, 1909.

THE STATE ASSEMBLY OF CALIFORNIA IN SESSION, 1909.

The most numerous courts are the justices' courts, at least one of which is to be found in every community, easily accessible to the people. They are the lowest grade of state courts, before which are tried petty offenses against law and order and trifling disputes over property. The judges who preside over these courts are called *justices of the peace*. In cities there are other courts of the same class, known as *police courts* and *recorders' courts*, which are made necessary by the great number of misdemeanors committed in city life.

Justices' courts

Next above the justices' court in the state of California are the superior courts. Of these each county has one, and in the larger counties the superior court is divided into departments with a different judge for each — the number varying according to the population of the several counties.

Superior courts

It is before these superior courts that the majority of cases of importance are brought to trial. Many cases first tried in the justices' court are appealed to the superior court of the county wherein the action is brought, for a new trial.

There are also the district courts of appeal and the Supreme Court. There are three of the former, each containing a presiding justice and two associate justices. The first district embraces ten counties in the central portion of the state, and its sessions are held in the city of San Francisco; the second includes twelve southern counties, and the court is held in the city of Los Angeles; while the third contains the remaining thirty-five counties, and its sessions are held in the city of Sacramento.

The Supreme Court is composed of the chief justice and six associate justices and its sessions are held in the above-mentioned cities, San Francisco, Los Angeles, and Sacramento.

The work of the district courts of appeal and of the Supreme Court is quite similar, although the latter's jurisdiction is more extensive and it exercises a supervisory power over the former. The Supreme Court may transfer any cause pending before it to any district court of appeal or from one district court to another or may grant a rehearing before it of any case determined by any district court of appeal. The district courts of appeal and the Supreme Court are concerned principally with the decision of cases appealed from the various superior courts, although certain classes of causes may be brought directly before these courts in the first instance, such as applications for the writ of habeas corpus and other writs provided for in the statutes.

The appointment of judges

In the first constitutions of the original thirteen states it was provided that the judges should be appointed by the governor or chosen by the legislature. As the movement toward a more democratic government grew, the states began to provide for the election of their judges by the people. In most of the states, at the present time, the judges are so chosen, though in some they are appointed by the governor and in others by the legislature. The election of the judges by the people, at the same time with other state officers, tends to make their selection a matter of party politics. The courts should be entirely removed from partisan disputes, and this is best accomplished by a life tenure of office, as is the case in the federal courts.

The executive

As in city government, the executive branch of state government is divided and subdivided into numerous departments, bureaus, and commissions. The chief executive officer is the *governor*, who is elected by the people, and whose term of office varies

from one to four years. His chief duty is to see that the laws of the state are faithfully executed. As we have seen (page 165), the enforcement of state law is left largely in the hands of the local governments. In case of inability on the part of local authorities to enforce the law, the governor may come to their aid with the militia, of which he is the commander-in-chief (see page 75).

The governor has other powers and duties. Among these are the legislative powers of *vetoing* bills, already mentioned, and of suggesting matters for legislative action in a *message* to the legislature. He usually has full power to *pardon* criminals convicted in the courts, although this power is in some states placed in the hands of a *board of pardons*. He has the power of appointment to office in cases not otherwise provided for in the constitution. This power and that of removal from office are often restricted by requiring that appointments and removals must be confirmed by the legislature.

The powers of the governor

In most of the states there is a lieutenant governor, whose chief duty is to preside over the senate. He acts as governor when the latter is absent from the state, or is unable to perform his duties. In case of the governor's death he succeeds to the office.

Lieutenant governor

The most important of the other executive officers are the *treasurer;* the *auditor* (or *comptroller*), who manages the financial affairs of the state, and instructs the treasurer what moneys to pay out; the *secretary of state*, who keeps the records of the state; the *attorney-general*, who is the legal adviser of the executive heads, and represents the state in court; and the *superintendent of schools*. These officers are usually elected by the people, and are responsible to the people and not to the

The heads of departments

governor. This method of choosing officers was intended to give the people more direct control over the executive business of the state, and to prevent the governor from assuming too much power. In reality it weakens the executive, for it divides responsibility.

Executive responsibility

Besides these executive departments there are numerous bureaus and commissions for the administration of different kinds of state business. There are *boards of health*, *boards of charities and correction*, *fish commissions*, *forestry bureaus*, and *railway commissions*. There are boards of trustees for the various state institutions, such as the institutions for the insane, the blind, and orphans. There are state *librarians*, state *geologists*, *mine inspectors*, and other officers too numerous to mention. These officers are usually appointed by the governor or by the legislature. Beneath them is a host of minor officials and employees.

Other administrative divisions

FOR INVESTIGATION

1. Report on the first constitutional convention of your state.
2. Has your state constitution ever been revised? How many times? How was it done?
3. How many amendments have been made to your state constitution? What is the method of amendment provided in your constitution?
4. Describe the organization of the legislature. How often does it meet? How long are its sessions?
5. What restrictions are placed on the legislature by Art. I, sec. 10, of the federal Constitution?
6. Is the legislature in your state positively forbidden to do certain things by the state constitution? What are they?
7. What different courts exist in your state?
8. How are jurymen selected?
9. If you live in a large city, what special city courts exist there?
10. How are the state judges chosen in your state? What is their term of office?

11. Debate the question, "The judges of the state courts should be appointed by the governor for life."

12. What are the executive departments in your state? How are their heads chosen?

13. Does the governor of your state have the pardoning power, or is there a board of pardons? Is the pardoning power often exercised?

14. Does the governor of your state often exercise the veto power? How may a bill be passed over his veto?

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Copies of the state constitution should be available.

THE THIRD DISTRICT COURT OF APPEAL, STATE CAPITOL, SACRAMENTO.
Showing presiding judge, two associate justices, the clerk, and the bailiff.

CHAPTER XXIV

THE GOVERNMENT OF THE NATION

THE American colonists sought their independence because of the despotism of king and parliament, and they had instilled in them a fear and hatred of a powerful centralized government. When they declared their independence, therefore, it was as thirteen states, independent of each other as well as of England. They did create a central government under the Articles of Confederation; but this government was only for purposes of common defense. It had no power to tax the people; it had no executive authority to compel them to do its bidding. The experience of the people under the Confederation taught them that there were common interests among the states that were not being protected, and conflicting interests that were rapidly leading to disunion and anarchy (page 94). They discovered the truth that *no* government is even worse than a despotic government.

The weakness of the government under the Articles of Confederation

A convention of leading men was therefore called in 1787 for the purpose of amending the weak points of the Articles of Confederation. These Articles provided that no amendment could be made without the unanimous consent of the states; and this could not be obtained from the jealous and quarreling states. In this extremity the wise leaders of the convention determined to frame an entirely new constitution,

The constitutional convention

totally changing the form of government, and to submit it to the people for their acceptance or rejection. This they did; and after the greatest difficulty the new Constitution was ratified by a sufficient number of states to make it binding on them. It was in reality another revolution, though accomplished peacefully and in order.

The first great problem that the convention had to solve was the creation of a government strong enough to protect the common interests of all the states, while not so powerful as to destroy their independence. This problem was solved by the carefully adjusted distribution of powers referred to on page 163. First, there were certain *powers granted exclusively to the federal government*, such as to make war and peace, to make treaties and alliances, to send and receive ambassadors, to regulate foreign and interstate commerce, to coin money, and some others. Second, there were certain *powers to be exercised concurrently* by both state and national governments, such as the power of taxation and of borrowing money. Third, there were *powers denied to the federal government* (see Art. I, sec. 9; Amendments I–VIII). Fourth, there were *powers denied to the states* (Art. I, sec. 10). Fifth, all "powers not delegated to the United States by the Constitution nor prohibited by it to the states are *reserved to the states* respectively or to the people" (Amendment X).

Distribution of powers

In the general plan of the national government the convention was influenced by the plan of the state governments. Provision was therefore made for a legislative, an executive, and a judicial branch, with the same separation of powers that is found in the states.

The question at once arose as to the basis of representation in the Congress, which was to consist of two houses. Some of the delegates, representing the smaller states,

believed that all the states should have equal representation, thus keeping prominent the idea that the Union was a mere league of states. Delegates from the larger states, on the other hand, arguing that the states together constituted a single nation, believed that the several states should be represented in proportion to their population. The contest was settled by a compromise, according to which each state was to have two representatives in the Senate, and proportional representation in the House of Representatives. According to the apportionment following the census of 1900, there is one representative for every 194,182 people, making a total of 386 members in the House of Representatives.

Representation in Congress

The members of the House of Representatives are elected by direct vote of the people, one from each of the congressional districts into which each state is divided. The number of congressional districts in each state is determined by the population of the state at the most recent census. The members of the Senate are considered as representing their states, rather than the people. It was provided that they should be elected by the state legislatures (Art. I, sec. 3). This method of election was also probably designed to secure an abler set of men than would be likely by popular election. A higher age qualification was fixed for membership in the Senate than in the House (Art. I, sec. 2, clause 2; sec. 3, clause 3). The term of office of senators is six years, while that of representatives is only two. The term of office of only one third of the senators expires at the same time, so that at least two-thirds of the Senate is always experienced, while the House may be almost entirely made over at any election. These and other causes have made the Senate a more dignified and conservative body than the House of Representatives.

The Senate and the House of Representatives

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The greater conservatism of the Senate was intended, in part, as a check on the impetuosity of the direct representatives of the people, and, in part, to fit it for its *special executive duties*. The Senate must confirm all appointments made by the President, and must, by a two-thirds vote, ratify all treaties made by the President before they can go into effect (Art. II, sec. 2). The Senate moves more slowly in its deliberations than the House, takes more time for debate, and exercises a steadying influence on the lower and more numerous body. On the other hand, the House serves as a check on the Senate and has certain powers not held by the latter. All bills for raising revenue must originate in the House, although the Senate may suggest amendments to them (Art. I, sec. 7). All other bills may originate in either house, but must pass each house separately. The House has the sole power of impeachment; but the Senate must act as the court to try the impeachment (Art. I, sec. 2, clause 5; sec. 3, clause 6). Four judges, one President, and one Secretary of War have been impeached by the House of Representatives in our history, but only in the cases of two of the judges did the Senate convict.

Powers of the Senate and the House

It is believed by many that the present method of electing senators should be changed to election by popular vote. This feeling is due, in part, to the general growth of a democratic spirit; but it is also due to certain more or less serious evils that have grown up about the present method. The election in state legislatures frequently becomes a partisan contest, sometimes managed by bosses who are under the control of private interests. Such a contest may take much of the time of the legislature that should be devoted to other business. On several occasions an amendment has

Method of electing senators

been proposed in the House of Representatives providing for the election of senators by popular vote, but the Senate would not agree to it, and therefore the amendment failed. In a number of the states an attempt has been made to accomplish the same end without an amendment, by having the people vote for their choice of senators previous to their election by the legislature. This amounts to a direct nomination by the people, and it is supposed that the legislature, being representative of the people, will feel bound to elect the people's choice.

Committees and the speaker

Both houses of Congress are organized into a large number of committees, by which most of the work of legislation is done. Every bill that is proposed in either house is referred to its appropriate committee, where it is considered. If the committee disapproves of the bill, nothing more may be heard of it. If the committee approves, the bill is brought before the House to be voted on. Each house usually votes in accordance with the recommendation of the committee. In the Senate the committees are elected by the members of the Senate. In the House of Representatives the committees are appointed by the speaker, who is the presiding officer elected by the members of the House. The speaker is one of the most influential men in our government because, through his power to appoint the committees, he may determine what legislation shall be considered and enacted. He, of course, represents the majority party in the House, and sees to it that his party has a majority in every committee.

The executive

One of the chief defects of the government under the Articles of Confederation was the lack of a strong executive. Yet the memory of the despotism of the king caused opposition, in the convention of 1787, to

the establishment of a single executive head. Experience in the state governments, however, had shown that a single executive head was not dangerous if his powers were properly limited and checked. The result was that the executive branch of the national government was made to consist of a President, with a short term of four years, who shall be removable from office by impeachment if he ventures to assume powers not conferred on him. A Vice-President also was created, who, however, has no executive powers except in the event of the President's death, when he assumes that office. He is presiding officer over the Senate, but he has no vote in legislation except in case of a tie. The President and the Vice-President are elected by the peculiar electoral system described on page 174 (Constitution, Art. II, sec. 1, and Amendment XII). This method, originally intended to remove the choice from the control of the masses, fails to do so, and is now a mere form because of the development of the party system of making nominations.

Concentration of executive power

Although in the states the executive power is divided among the governor and other officers (see page 216), in the national government it is concentrated completely in the hands of the President. The heads of the *executive departments* are appointed by the President with the advice and consent of the Senate (Art. II, sec. 2, clause 2) and are removable by him. They are responsible to him alone, and carry out the policy of government dictated by him. If anything goes wrong in any of the executive departments, the people hold the President responsible for it, and may show their disapproval at the next election.

The President's power to make appointments, like his power to make treaties with foreign nations, is limited

by requiring the advice and consent of the Senate.

The power of the President

On the other hand, the President has a check on legislation in his veto power, although Congress may pass a law over the President's veto by a two-thirds vote. The veto power of the President was intended to prevent Congress from going beyond the powers granted to it in the Constitution. It has often been exercised, however, merely because the President disapproved the measure enacted by Congress. The President has exercised the veto power much more in recent years than formerly. Congress very rarely passes a law over the President's veto. The President has some further influence in legislation by his power to call extra sessions of Congress and through his messages to Congress, in which he suggests questions that, in his opinion, demand legislative action.

Encroachment on the President's appointing power by Congress

In the appointment of the subordinate officers and employees of the civil service, Congress, and especially the Senate, is accused of encroaching on the powers of the President. The latter, in seeking for suitable persons to fill the thousands of places at his disposal in all parts of the country, has naturally come to depend largely on the senators and representatives from the different sections for information regarding the qualifications of the candidates. Because of this, the members of Congress have, in the course of time, assumed the right to make nominations for these offices, and expect the President to accept their suggestions. The President has often been forced to accede to the wishes of congressmen in the matter of appointment by their refusal to enact legislation that he wishes unless he does accede.

In this way the Congress has, in a measure, taken upon

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THE HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

itself some of the powers that belong to the President. Generally speaking, this has lowered the efficiency of the civil service by encouraging the spoils system. This evil has, in part, been checked by the introduction of the merit system of appointment to a large proportion of the offices in the civil service (see page 184). There is still, however, much need for reform in this direction. It is a dangerous thing to allow one branch of our government to encroach on the powers of another, and citizens should rebuke any tendency of this kind.

The judiciary

The Constitution provides for a system of federal courts entirely distinct from the state courts. It says, "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish" (Art. III, sec. 1). The number of judges in the Supreme Court is determined by Congress, and at present is nine. They meet at Washington and are presided over by one of their number, who is designated as the Chief Justice. In addition to the Supreme Court, Congress has created *nine circuit courts*, each circuit including several states; *nine circuit courts of appeal;* and *eighty district courts*. The judges of all the federal courts are appointed by the President and hold office "during good behavior" (Art. III, sec. 1).

Powers of the federal courts

The powers of the federal courts are stated in the Constitution (Art. III, sec. 2). In general, they may be said to include cases of a national or interstate character. A case first brought to trial before a state court may be appealed to the Supreme Court of the United States when the Constitution, the laws, or the treaties of the United States are involved. Its decisions are final over those of the state courts. It is the final

authority (under the people themselves) in the interpretation of the Constitution. It may declare null and void an act of Congress or any state law, which, in its opinion, is contrary to the provisions of the Constitution. It might seem that the Supreme Court thus has power which might make it despotic, and give it control over the other branches of the government; but it has no means of enforcing a despotic judgment. That must be done by the executive. If the court should attempt to push its authority too far, it would find itself in conflict with both Congress and the executive. At the elections the people would show whether they supported the court or the other branches of government. And, finally, Congress has the weapon of impeachment by which offending judges may be removed.

The Supreme Court has excited the admiration of the world, not only because of its purpose as defender of the Constitution, but because of the ability and integrity its judges have shown in performing their duty. It has always, with one or two possible exceptions, shown a strong disposition to render its opinions in accordance with the intentions of the Constitution, and thus to be strictly representative of the people.

FOR INVESTIGATION

1. Report on the story of the Constitutional Convention of 1787. Also on the ratification of the Constitution by the states.
2. Study the organization of Congress as provided in the Constitution.
3. Report on the powers of the speaker of the House of Representatives.
4. Why should bills for the raising of revenue originate in the House?
5. Debate the question, "Senators should be elected by popular vote."
6. Make a list of the powers of the President as contained in the Constitution.

7. What are the several executive departments? What are their duties? Who are the members of the cabinet at the present time?

8. Study the powers of the federal courts as given in the Constitution.

9. Make as complete a list as possible of the different checks and balances provided in the organization of the federal government.

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CHAPTER XXV

HOW THE EXPENSES OF GOVERNMENT ARE MET

All this machinery of government, and all the work that it does for the people, costs the people a great deal. The thousands of citizens who are employed in conducting the affairs of government must be paid for their services — although there are some offices to which no salaries are attached. There must be office buildings for the transaction of public business, such as post offices, capitol buildings, and courthouses. Schoolhouses, parks, hospitals, and prisons must be paid for. Materials must be bought and workmen employed to build navies, to construct roads and bridges, to pave streets and lay sewers, and to do the many other things that government does for us. Occasionally, some great emergency arises, like a war, which demands enormous sums of money.

The cost of government

The cost of the national government each year is about six times the cost of all the state governments together; but the cost of our local governments throughout the country is, each year, more than that of the national and state governments together. This may be surprising; but it is due to the costliness of paving streets, maintaining police and fire departments and the public schools, and of making the many improvements necessitated by the rapid growth of our cities. The immense cost of our governments is beyond our powers of imagination. It may be roughly stated as

about $1,500,000,000. It may help you to understand this enormous sum of money if you will calculate how long it would take a man to count it, supposing that he works constantly eight hours a day, and counts $1 every second, or $60 a minute.

This great sum of money must be raised each year. The people of each local community — township, county, or city — must pay the expense of their local government; the people of the whole state unite in paying the expense of the state government; and the people of the nation contribute to the expenses of the national government. They do this chiefly by paying *taxes*.

Taxes are a contribution that the people are required by the government to pay to meet the cost of the government. The people have never enjoyed paying taxes. The government seems to put its hand into their pockets and take what belongs to them. Taxation has often seemed an act of oppression, and it may become so when it is imposed on the people without their consent, and when it is for purposes other than their own welfare. Very light taxes imposed on the American colonists by the English government without their consent seemed oppressive to them and led to the Revolution. We should not consider taxation by our government as an act of oppression because, in the first place, the people, being self-governing, tax themselves; and because, in the second place, the taxes are spent for the benefit of the people themselves. It is only just that a person shall pay for what he gets. He has no more right to complain about paying for the protection and benefit that he receives from the government than he has to complain about paying the carpenter for building his house — provided, of course, that the government does its work well and in accordance

Taxation is not oppression

with the will of the people. It is true that taxation, even in our country at the present time, may sometimes be unwise, and may weigh unjustly upon some people for reasons that will be mentioned later in the chapter; but as a rule, the amount that each person has to pay to the government in taxes is insignificant in proportion to the great benefit that he receives.

The right of self-taxation and the federal government

The American colonies objected to taxation by the English government because they had no voice in the matter. Each colony believed that it should have the right to levy its own taxes through its representatives in the colonial legislature. After they had won their independence they still objected to giving up the right of self-taxation even to the central government of the Confederation. When the Congress needed money, even to carry on the war for independence, it could only ask the states for it, and had no power to demand it or to collect it. The taxing power rested with the state legislatures, composed of the representatives of the people. This lack of power on the part of the central government caused great confusion and distress both during and after the Revolution, because the states were jealous of each other, and their interests conflicted to such an extent that they could not always be depended on to provide the money necessary for the common interests of all. It soon became apparent that, if the new nation were to continue to exist, it would be necessary for the central government to have the power to tax *for certain purposes*. This was one of the chief reasons for framing a new Constitution, creating a Congress which was to have power "to lay and collect taxes . . . *to pay the debts and provide for the common defense and general welfare* of the United States" (Art. I, sec. 3, clause 1). But the Consti-

tution was careful to provide that "all bills for raising revenue shall originate in the House of Representatives," which is the branch of Congress most closely representative of the people (Art. I, sec. 7). For all other matters not of national importance the taxing power rests with the representatives of the people in the state legislatures and in the local legislative bodies, such as the city council and the board of county commissioners.

Direct and indirect taxation

Taxation may be direct or indirect. Direct taxes are those which are paid directly and finally by the person against whom the government assesses them. A tax on land, for instance, or on household furniture must be borne by the person who owns the land or the furniture. Indirect taxes, on the other hand, may be transferred from one person to another. A tax on imported goods may be levied against the importer. But he adds the amount of the tax to the price of the goods when he sells them to dealers. The dealers, in turn, add the amount of the tax to the price which they receive from the people who buy the goods. When you buy silk that has been imported from France, you indirectly pay a small part of the tax that was originally assessed against the importer. A tax on houses and land, which is usually considered a direct tax, may become indirect if the owner rents his property; for he may make the rent high enough to cover the tax, which thus falls on the renter.

Direct taxation by state and local governments

Almost all of the taxes levied and collected by the state and local governments are direct taxes, and consist chiefly of taxes on property, which is divided into real estate, consisting of land and buildings, and personal property, including furniture, jewelry, money, and other forms of movable property. In the payment of the tax on property it is

intended that each taxpayer shall pay in proportion to the amount of his property. The man who owns twice as much property as another should pay twice as much tax. Anything else would be unjust.

The preliminary estimate of expenses

In order to know how much tax a citizen must pay, it is first of all necessary to know how much money will be needed to run the government for a year. This is determined beforehand by the heads of the various departments of the government, who make an estimate of the amount of money needed. A man usually considers it good business management of his private affairs when he comes out at the end of the year with a surplus on hand, something saved above his expenses. Not so with the government. It is a sign of good business management of the affairs of government when the treasury is practically empty at the end of the year. That is to say, it is not considered good management to levy more taxes than are actually needed. A good government will make the burden of taxation just as light as possible, and yet cover all expenses so that there will be no deficit at the end of the year.

The assessment

The second thing to be found out, in determining the amount of tax each citizen must pay, is the value of all the property in the community in which the tax is to be levied. This is called *assessing* the value of the property. The assessment is made by officers known as assessors, who are sometimes elected by the people and sometimes appointed. There is an assessor for each local division of the state, as for the county, or township, or city. The assessor and his assistants visit and inspect the property of each citizen in the district, question the owner, and assess a value on the property. The sum of the individual assessments makes the total assessment for the district;

and the sum of the valuations of all the districts makes the valuation for the entire state.

Knowing the amount of money to be expended by the government, and also the value of all the property in the community, it is now possible to find the rate of taxation — that is, the percentage of his property that each citizen must pay. This is done by dividing the total expenditures for the year by the total assessment. Thus, if the necessary expenditures amount to $100,000 and the total assessment amounts to $10,000,000, the rate of taxation is found by dividing 100,000 by 10,000,000, which gives one hundredth, or one per cent. Each taxpayer, therefore, would have to pay one per cent of the assessed value of his property. A property owner in a city must pay a certain rate of tax toward the expenses of the city government, another rate toward the expenses of the state government. He pays his entire tax into the treasury of the city or of the county, where it is divided into the shares belonging to the city, the county, and the state.

The rate of taxation

It is not easy to secure a perfectly just tax. In the first place, it is not easy to estimate the real worth of a man's property, even when it can all be seen. One man's property may be assessed too high, and another man's too low. In order to correct such inequalities there is often a *board of equalization*, before which complaints may be brought, and by which corrections are made. Sometimes the county commissioners act in this capacity. In the assessment of the state taxes also there may be great inequalities among the different counties, due to the varying accuracy of the different assessors. There is usually a state board of equalization to adjust these differences.

Equalization

Such inequalities in taxation as those just mentioned are unfortunate, but they are accidental and can usually be corrected. There are other inequalities due to dishonest and unpatriotic attempts on the part of some citizens to avoid their fair share of taxation. It is not easy to avoid paying taxes on buildings and land, because these forms of property cannot be hidden; but there are many forms of personal property that can easily be kept out of sight, and it is usually those who can best afford to pay who have the most of this kind of property. There seems to be a feeling among a great many people that it is justifiable to "get ahead of the government" by avoiding the taxes for which it asks. In reality the people who avoid paying their just taxes defraud, not the government, but their fellow-citizens and neighbors. In their attempt to get something for nothing, they shift the burden of taxation on others, who are, in many cases, less able to pay than they. The smaller the amount of property assessed throughout the community, the higher the rate of taxation that each citizen has to pay. Those who withhold their property from assessment not only shirk their responsibility, but also increase the burden of the other members of the community.

Evasion of taxes an injury to the community

State and local governments impose other forms of taxes than the general property tax. In some states there is a *poll*, or *capitation* tax, which is a tax on the person and not on the property. It varies from one to four dollars. In some states there is an income tax, levied; not on the amount of property a man has, but on the income he receives. Some states have an inheritance tax, levied on property received by inheritance. There is also a franchise tax, levied on corporations for their franchise privileges. In addition to these forms

Special forms of taxation

of taxation, there are revenues derived by state and local governments from various kinds of licenses, fees, and special assessments. Men who conduct certain kinds of business must pay the government of state or locality a license fee, as in the case of peddlers, saloon keepers, and pawnbrokers. Such licenses are intended, usually, to restrict such businesses as well as to secure a revenue. In most cities a license fee must be paid on all vehicles, including bicycles. When sewers are laid or roads built, they are often paid for, in part at least, by special assessments against the property owners most directly benefited. Finally, there are fines collected in the courts, which are turned into the public revenues. These special taxes and fees are often devoted to special purposes, as when the license fees on vehicles are used to keep up the roads and pavements, or when saloon licenses are used for the benefit of the schools.

Licenses and fees

Some kinds of property may be exempt from taxation; that is, no tax is levied against them. For example, public school buildings and property are exempt. Church property, the property of colleges, public hospitals, public buildings such as courthouses, charitable institutions, and other forms of property of a public character, used for the public benefit and not for profit, are exempt from taxation.

Exemptions

While the state and local governments derive most of their revenues from direct taxation, the national government derives most of its revenues from indirect taxation. The Constitution permits Congress to levy both direct and indirect taxes. Direct taxation has been employed by the national government several times in our history, but it is considered objectionable chiefly for two reasons. In the

Indirect taxation by the national government

first place, the Constitution provides that direct taxes "shall be apportioned among the several states . . . according to their respective numbers." That is, if the national government should decide to levy a tax on land, it would first determine how much of a tax is needed all together, and would then call on the states to pay their share in proportion to their population. A state having twice the population of another would also pay twice the tax of the other. In practice it has been found very difficult to apportion a tax in this way, and do it justly. Another reason why the national government prefers to employ indirect, rather than direct, taxation is because indirect taxes can be collected so much more easily than direct taxes, and without attracting the attention of the people so much. The people prefer local self-taxation, and might feel more antagonistic to a tax collector representing the far-away central authority.

Imports and excises

The national government raises most of its money by means of import duties and excise taxes. Import duties, as already explained, are taxes on imported goods, paid at first by the importer, but finally by the people in all parts of the country who use the goods. This form of taxation is very little felt by the people, and yet very large sums of money are raised by means of it. The excise is a tax levied on goods manufactured in this country. This form of taxation was once very unpopular, because it seemed a restriction on the industry of the country by the national government. The chief manufactures taxed in this way are alcoholic liquors and tobacco in its various forms. This tax also, though at first paid by the manufacturers, is distributed among the people who use the articles.

For the collection of import duties all imported goods

are required to pass through customs houses at important cities, mostly on the borders of the country, but sometimes in the interior, where the goods are inspected by customs officers and the tax is collected. For the collection of excise taxes the country is divided into *internal revenue districts*, in each of which is a revenue collector with assistants, who visit distilleries, breweries, and tobacco factories to collect the tax.

Collection of duties

The national government, like the states, endeavors usually to keep the revenue equal to the expenditures. The heads of the various departments make their estimates of the necessary expenditures for the coming year, and Congress adjusts the rate of taxation to meet the needs. It is easily seen that it is not easy to keep the expenditures and the income exactly equal. Sometimes a surplus accumulates in the treasury. If the surplus continues to increase, it is customary to cut down the revenue. Sometimes, however, there is a deficit at the end of the year. If the deficit is very great, it may become necessary for Congress to borrow money to meet it. In time of war the expenses of the government increase with great rapidity. Then it becomes necessary to borrow large sums of money. Borrowing under such circumstances is justifiable for two reasons. First, because an increase in the taxes cannot be secured quickly enough to meet the emergency. In the second place, it is just that the expense of a great war should be distributed over a considerable length of time, because future generations are affected by it as much as the present. The money is borrowed, therefore, and is paid back by taxation during a long period of years. During the war with Spain in 1898, large sums of money were raised by unusual forms of taxation. But in addition to this, it was

Borrowing money

necessary to borrow large sums, which we are still paying off by means of taxation.

FOR INVESTIGATION

1. Try to find out, from printed reports of the treasurer, what the annual expense of your city (or county or township) is. Make a list of some of the more important items of expense, such as salaries, buildings, streets, etc.

2. Find out what the rate of taxation is for your city; for your county; for your state.

3. How is the expense of the public schools met in your community?

4. Is there a tax on vehicles in your community? To what use is this money put?

5. What kinds of business are conducted in your community under license? What is the amount of the saloon license? To what use is the revenue from this source put?

6. Obtain a tax list from the office of the assessor and note the items listed.

7. How is the expense of constructing a sewer met in your community? Of paving a street?

8. Is there any limit to the amount of taxes that your city council (or county commissioners) may levy?

9. Does your city charter limit the amount that your city may borrow? Does the state constitution limit the amount that can be borrowed by the state? If so, why?

10. To whom, and at what times, are the taxes paid in your community?

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The true end of government is the happiness, advancement, and welfare of the people.

— C. F. Curry.

APPENDIX

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

PREAMBLE

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

Section I

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section II

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, [which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other

persons.][1] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; [and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.][1]

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Section III

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, and of the third class, at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President

[1] The clauses in brackets have been superseded by Amendments XIII and XIV.

pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

Section IV

1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meetings shall be on the first Monday in December, unless they shall by law appoint a different day.

Section V

1. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section VI

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Section VII

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the

United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section VIII

The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations and among the several States, and with the Indian tribes;

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post-offices and post-roads;

8. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas and offenses against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appoint-

ment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Section IX

1. [The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.][1]

2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or ex post facto law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

[1] A temporary clause no longer in force.

Section X

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of the Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II

Section I

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. [The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole

number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.][1]

4. The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

8. Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States."

[1] Superseded by Amendment XII.

Section II

1. The President shall be Commander-in-chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section III

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section IV

The President, Vice-President and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

Section I

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section II

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

2. In all cases, affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section III

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attained.

ARTICLE IV

Section I

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section II

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. [No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.] [1]

Section III

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Section IV

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

[1] Superseded by Amendment XIII.

ARTICLE V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, provided that [no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that][1] no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one

[1] Temporary in its nature.

thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

George Washington, President, and Deputy from VIRGINIA.

NEW HAMPSHIRE — John Langdon, Nicholas Gilman.

MASSACHUSETTS — Nathaniel Gorham, Rufus King.

CONNECTICUT — William Samuel Johnson, Roger Sherman.

NEW YORK — Alexander Hamilton.

NEW JERSEY — William Livingston, David Brearley, William Paterson, Jonathan Dayton.

PENNSYLVANIA — Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

DELAWARE — George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

MARYLAND — James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

VIRGINIA — John Blair, James Madison, Jr.

NORTH CAROLINA — William Blount, Richard Dobbs Spaight, Hugh Williamson.

SOUTH CAROLINA — John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

GEORGIA — William Few, Abraham Baldwin.

Attest: William Jackson, *Secretary*.

ARTICLES

in addition to and amendment of the Constitution of the United States of America, proposed by Congress and ratified by the Legislatures of the several States, pursuant to the Fifth Article of the Constitution.

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

ARTICLE V

No persons shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

ARTICLE XI

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII

1. The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President,

as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

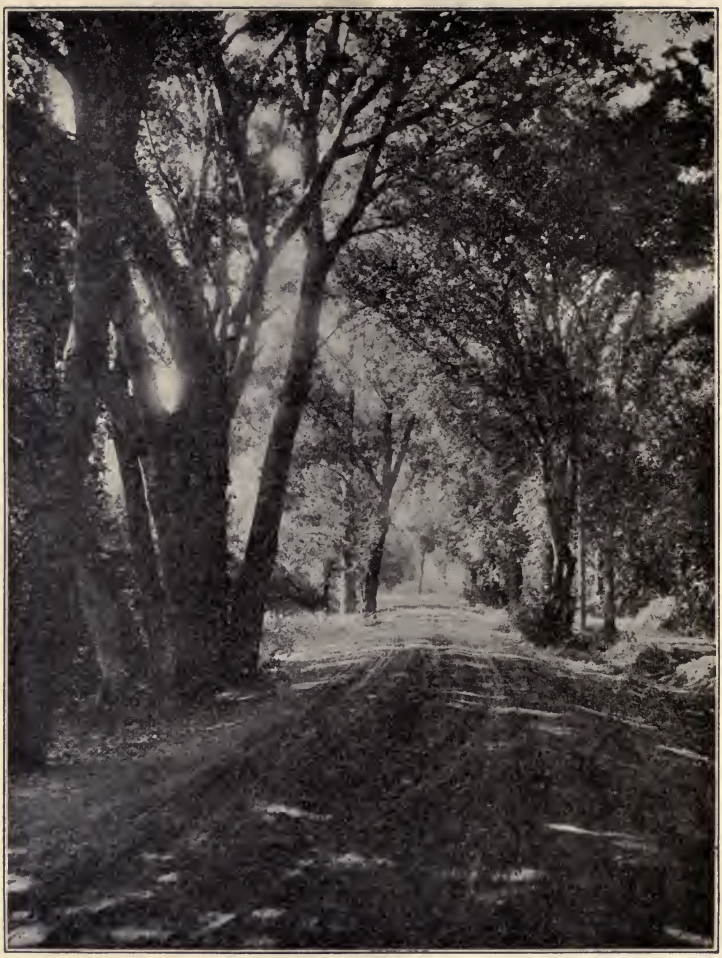
ARTICLE XV

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

Laws are good things, but they are only the implements with which the men who make them, and live under them, work out their own salvation and the salvation of the nation.

—THEODORE ROOSEVELT



LIGHTS AND SHADES ALONG A COUNTRY ROAD IN MARIN COUNTY, CALIFORNIA.

"If thou art worn and hard beset
With sorrows that thou wouldst forget,
If thou wouldst read a lesson that will keep
Thy heart from fainting and thy soul from sleep,
Go to the woods and hills! No tears
Dim the sweet look that Nature wears."

CONSTITUTION

OF THE

STATE OF CALIFORNIA

1879

(*Revised and brought up to date — 1909*)

PREAMBLE AND DECLARATION OF RIGHTS

Preamble

Purpose of the Constitution

We, the people of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

ARTICLE I

Declaration of Rights

Inalienable Rights of Men

Section 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

Government for and by the People

Section 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

California a Part of the Union

SECTION 3. The State of California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

Freedom of Religion

SECTION 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Habeas Corpus

SECTION 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

Bail — Witnesses

SECTION 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishment be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

Jury Trial

SECTION 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.

Indictments — Information — Grand Jury

SECTION 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and

commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A grand jury shall be drawn and summoned at least once a year in each county.

Freedom of Speech — Libel Suits

SECTION 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or information laid, for publications in newspapers, shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

Freedom of Assembling and Petitioning

SECTION 10. The people shall have the right to freely assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

Laws to be Uniform

SECTION 11. All laws of a general nature shall have a uniform operation.

Military Subordinate to Civil Power

SECTION 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

Criminal Trials — Rights of the Accused

SECTION 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his

behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law. The Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses, in criminal cases other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

Rights of Private Property

SECTION 14. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law.

Imprisonment for Debt and for Militia Fines Forbidden

SECTION 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud, nor in civil actions for torts, except in cases of willful injury to person or property; and no person shall be imprisoned for a militia fine in time of peace.

Bills of Attainder — Ex Post Facto Laws — Obligation of Contracts

SECTION 16. No bill of attainder, ex post facto law, or law impairing the obligations of contracts, shall ever be passed.

Rights of Foreigners

SECTION 17. Foreigners of the white race, or of African descent, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of all property, other than real estate, as native born citizens; *provided*, that such aliens owning real estate at the time of the adoption of this amendment may remain such owners; *and pro-*

vided further, that the Legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise. [*Amendment adopted November 6, 1894.*]

Slavery Prohibited

SECTION 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

General Warrants

SECTION 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.

Treason

SECTION 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

Special Privileges, Limitations on

SECTION 21. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature, nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.

Constitution Mandatory

SECTION 22. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

Rights Retained by the People

SECTION 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

Property Qualification Forbidden

SECTION 24. No property qualification shall ever be required for any person to vote or hold office.

ARTICLE II

Right of Suffrage

Who may Vote; Who may Not

Section 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his name, shall ever exercise the privileges of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect. [*Amendment adopted November 6, 1894.*]

Privileges of Voters

Section 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

Primary Elections

Section 2[1]. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties; and the Legislature shall enact laws providing for the direct nomination of candidates for public office, by electors, political parties, or organizations of electors without conventions, at elections to be known and designated as primary elections; and also to determine the tests and conditions upon which electors, political parties, or organizations of

electors may participate in any such primary election. It shall also be lawful for the Legislature to prescribe that any such primary election shall be mandatory and obligatory. The Legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county, or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision. *Provided, however*, that until the Legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect. [*Amendment adopted November 3, 1908.*]

Voters not Obliged to perform Military Duty on Election Day

SECTION 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Residence of Voters

SECTION 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept in any almshouse or other asylum, at public expense; nor while confined in any public prison.

Elections to be by Ballot or Otherwise

SECTION 5. All elections by the people shall be by ballot or by such other method as may be prescribed by law; *provided*, that secrecy in voting be preserved. [*Amendment adopted November 3, 1896.*]

Voting Machines

SECTION 6. The inhibitions of this Constitution to the contrary notwithstanding, the Legislature shall have power to provide that in different parts of the State different methods may be employed for receiving and registering the will of the people as expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the State at the option of the local authority indicated by the Legislature for that purpose. [*New section; adopted November 4, 1902.*]

ARTICLE III

Distribution of Powers

Three Departments of Government

Section 1. The powers of the government of the State of California shall be divided into three separate departments — the legislative, executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in this Constitution expressly directed or permitted.

ARTICLE IV

Legislative Department

Legislative Power

Section 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California; and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Sessions of the Legislature

Section 2. The sessions of the Legislature shall commence at twelve oclock M. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year 1880, shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No bill shall be introduced in either house forty days after the commencement of each session without the consent of three fourths of the members thereof. [*Amendment adopted November 3, 1908.*]

Election of Members of the Assembly

Section 3. Members of the Assembly shall be elected in the year eighteen hundred and seventy-nine, at the time and in the manner now provided by law. The second election of members of the Assembly, after the adoption of this Constitution, shall be on the first Tuesday after the first Monday in November, eighteen hundred and eighty.

Thereafter members of the Assembly shall be chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

Election of Senators and Qualifications of Members of Legislature

SECTION 4. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

Number of Senators and Members of the Assembly

SECTION 5. The Senate shall consist of forty members, and the Assembly of eighty members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty Senators elected in the year eighteen hundred and eighty-two from the odd-numbered districts shall be vacated at the expiration of the second year, so that one half of the Senators shall be elected every two years; *provided*, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years.

Senatorial and Assembly Districts

SECTION 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of such districts no county, or city and county, shall be divided, unless it contains sufficient population within itself to form two or more districts, nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the United States in the year one thousand eight hundred and eighty, and every ten years thereafter,

shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustments no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

Each House to choose its Officers and judge of the Qualifications of its Members

SECTION 7. Each house shall choose its officers, and judge of the qualifications, elections, and returns of its members.

Quorum

SECTION 8. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Rules of Proceeding, and Expulsion of Members

SECTION 9. Each house shall determine the rule of its proceeding, and may, with the concurrence of two thirds of all the members elected, expel a member.

Journals

SECTION 10. Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the journal.

Members Privileged from Arrest

SECTION 11. Members of the Legislature shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

Vacancies

SECTION 12. When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

Meetings to be Open

SECTION 13. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

Adjournment

SECTION 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting. Nor shall the members of either house draw pay for any recess or adjournment for a longer time than three days.

Laws, how Passed

SECTION 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each house, unless, in case of urgency, two thirds of the house where such bill may be pending shall, by a vote of yeas and nays, dispense with this provision. Any bill may originate in either house, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the journal, and no bill shall become a law without the concurrence of a majority of the members elected to each house.

Approval of Bills by Governor, and Veto Power

SECTION 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the journal and proceed to reconsider it. If after such reconsideration, it again pass both houses, by yeas and nays, two thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not

be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law unless the Governor, within thirty days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor. [*Amendment adopted November 3, 1908.*]

Impeachment

SECTION 17. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members elected.

Officers Subject to Impeachment

SECTION 18. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Chief Justice and Associate Justices of the Supreme Court and Judges of the Superior Court, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

Members not Eligible to Certain Offices

SECTION 19. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which have been increased, during such term, except such offices as may be filled by election by the people.

Certain Officials not Eligible to Office under State Government

SECTION 20. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia who receive no annual salary, local officers, or postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed to hold lucrative offices.

Embezzlers not Eligible to Office

SECTION 21. No person convicted of the embezzlement or defalcation of the public funds of the United States, or of any State, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this State, and the Legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony.

Money, how Appropriated; how Drawn

SECTION 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances — such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided further*, that the State shall have at any time the right to inquire into the management of such

institution; *provided further*, that whenever any county, or city and county, or city, or town shall provide for the support of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

Compensation of Members of the Legislature

SECTION 23. The members of the Legislature shall receive for their services, the sum of one thousand dollars each for each regular session, to be paid at such times during the session as may be provided by law, and the sum of ten dollars each, for each day while in attendance at a special or extraordinary session, for a number of days not exceeding thirty; and mileage to be fixed by law, all paid out of the State treasury; such mileage shall not exceed ten cents per mile; and each member shall be allowed contingent expenses not exceeding twenty-five dollars per member for each regular biennial session. The Legislature may also provide for additional help; but in no case shall the total expense for officers, employés and attachés exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house, at any special or extraordinary session, nor shall the pay of any officer, employé or attaché be increased after he is elected or appointed. [*Amendment adopted November 3, 1908.*]

Limitation of Expense for Officers and Employees

SECTION 23*a*. The Legislature may also provide for the employment of help; but in no case shall the total expense for officers, employés and attachés, exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employé or attaché be increased after he is elected or appointed. [*New section; adopted November 3, 1908.*]

Every Act to embrace but One Subject — Amending Acts

SECTION 24. Every Act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in its title, such Act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be reënacted and published at length as revised or amended; and all laws of the State of California, and all official writings, and the executive, legislative, and judicial proceedings, shall be conducted, preserved, and published in no other than the English language.

Local and Special Legislation Forbidden

SECTION 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

First — Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

Second — For the punishment of crimes and misdemeanors.

Third — Regulating the practice of courts of justice.

Fourth — Providing for changing the venue in civil or criminal actions.

Fifth — Granting divorces.

Sixth — Changing the names of persons or places.

Seventh — Authorizing the laying out, opening, altering, maintaining or vacating roads, highways, streets, alleys, town plots, parks, cemeteries, graveyards, or public grounds not owned by the State.

Eighth — Summoning and impaneling grand and petit juries, and providing for their compensation.

Ninth — Regulating county and township business, or the election of county and township officers.

Tenth — For the assessment or collection of taxes.

Eleventh — Providing for conducting elections, or designating the places of voting, except on the organization of new counties.

Twelfth — Affecting estates of deceased persons, minors, or other persons under legal disabilities.

Thirteenth — Extending the time for the collection of taxes.

Fourteenth — Giving effect to invalid deeds, wills, or other instruments.

Fifteenth — Refunding money paid into the State treasury.

Sixteenth — Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

Seventeenth — Declaring any person of age, or authorizing any minor to sell, lease, or incumber his or her property.

Eighteenth — Legalizing, except as against the State, the unauthorized or invalid act of any officer.

Nineteenth — Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

Twentieth — Exempting property from taxation.

Twenty-first — Changing county seats.

Twenty-second — Restoring to citizenship persons convicted of infamous crimes.

Twenty-third — Regulating the rate of interest on money.

Twenty-fourth — Authorizing the creation, extension, or impairing of liens.

Twenty-fifth — Chartering or licensing ferries, bridges, or roads.

Twenty-sixth — Remitting fines, penalties, or forfeitures.

Twenty-seventh — Providing for the management of common schools.

Twenty-eighth — Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, township, election or school districts.

Twenty-ninth — Affecting the fees or salary of any officer.

Thirtieth — Changing the law of descent or succession.

Thirty-first — Authorizing the adoption or legitimation of children.

Thirty-second — For limitation of civil or criminal actions.

Thirty-third — In all other cases where a general law can be made applicable.

Fish and Game Districts

SECTION 25½. The Legislature may provide for the division of the State into fish and game districts, and may enact such laws for the protection of fish and game therein as it may deem appropriate to the respective districts. [*New section; adopted November 4, 1902.*]

Lotteries Prohibited

SECTION 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to prohibit the fictitious buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any corporation or association. All contracts for the purchase or sale of shares of the capital stock of any corporation or association without any intention on the part of one party to deliver and of the other party to receive the shares, and contemplating merely the payment of differences between the contract and market prices on divers days, shall be void, and neither party to any such contract shall be entitled to recover any damages for failure to perform the same, or any money paid thereon, in any court of this State. [*Amendment adopted November 3, 1908.*]

Congressional Districts, Formation of

SECTION 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more congressmen; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county, containing a population greater than the number required for one congressional district, shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached, by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts, no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

Elections by the Legislature

SECTION 28. In all elections by the Legislature the members thereof shall vote viva voce, and the vote shall be entered on the journal.

General Appropriation Bill, what to Contain

SECTION 29. The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.

Support of Sectarian Schools Prohibited

SECTION 30. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation, for any religious creed, church, or sectarian purpose whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article.

Public Credit to Corporations Prohibited

SECTION 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value, to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this

article; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

Extra Compensation to Officers Prohibited

SECTION 32. The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into and performed, in whole or in part; nor to pay, or to authorize the payment of, any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

Charges by Certain Corporations, Regulation of

SECTION 33. The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and wharfage, in which there is a public use; and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation.

Appropriation Bills to contain but One Item

SECTION 34. No bill making an appropriation of money, except the general appropriation bill, shall contain more than one item of appropriation, and that for one single and certain purpose, to be therein expressed.

Punishment for Bribery

SECTION 35. Any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony; and it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any member of the

Legislature who shall be influenced, in his vote or action upon any matter pending before the Legislature, by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Establish System of Highways

SECTION 36. The Legislature shall have power to establish a system of state highways or to declare any road a state highway, and to pass all laws necessary or proper to construct and maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway. [*New section; adopted November 4, 1902.*]

ARTICLE V

EXECUTIVE DEPARTMENT

Executive Power vested in the Governor

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

Election and Term of Office of Governor

SECTION 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified.

Qualifications of Governor

SECTION 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding his election, and attained the age of twenty-five years at the time of such election.

Election of Governor, how made Known

SECTION 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Governor to be Commander-in-Chief

SECTION 5. The Governor shall be commander-in-chief of the militia, the army, and navy of this State.

Governor to transact Executive Business

SECTION 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department upon any subject relating to the duties of their respective offices.

Governor to see that Laws are Executed

SECTION 7. He shall see that the laws are faithfully executed.

Governor to fill Vacancies

SECTION 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

Governor may call Extra Session of Legislature

SECTION 9. He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it; and when so convened it shall have no power to legislate on any subject other than those specified in the proclamation, but may provide for the expenses of the session, and other matters incidental thereto.

Governor's Message

SECTION 10. He shall communicate, by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

Governor may adjourn Legislature

SECTION 11. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

Officer of the United States not to act as Governor

SECTION 12. No person shall, while holding any office under the United States, or this State, exercise the office of Governor, except as hereinafter expressly provided.

Governor to keep Great Seal

SECTION 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

Form of Commissions

SECTION 14. All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Lieutenant-Governor, Qualifications and Duties

SECTION 15. A Lieutenant-Governor shall be elected at the same time and place, and in the same manner, as the Governor, and his term

of office and his qualifications shall be the same. He shall be President of the Senate, but shall only have a casting vote therein. [*Amendment adopted November 8, 1898.*]

Lieutenant-Governor may become Governor, When

SECTION 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of his office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. And should the Lieutenant-Governor be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy in the office of Governor shall be filled at the next general election when members of the Legislature shall be chosen, or until such disability of the Lieutenant-Governor shall cease. In case of a vacancy in the office of Governor for any of the reasons above named, and neither the Lieutenant-Governor nor the President pro tempore of the Senate succeed to the powers and duties of Governor, then the powers and duties of such office shall devolve upon the Speaker of the Assembly, until the office of Governor shall be filled at such general election. [*Amendment adopted November 8, 1908.*]

State Executive Officers

SECTION 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and their terms of office shall be the same as that of the Governor.

Secretary of State — Duties

SECTION 18. The Secretary of State shall keep a correct record of the official acts of the legislative and executive departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

Compensation of Executive Officers

SECTION 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General

shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; Lieutenant-Governor, four thousand dollars; the Secretary of State, Controller, Treasurer, and Surveyor-General, five thousand dollars each per annum; and the Attorney-General, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty. [*Amendment adopted November 3, 1908.*]

Governor not Eligible to United States Senate

SECTION 20. The Governor shall not, during his term of office, be elected a Senator to the Senate of the United States.

ARTICLE VI

JUDICIAL DEPARTMENT

Judicial Power — how Vested

SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city or town, or city and county. [*Amendment adopted November 8, 1904.*]

Supreme Court — how Constituted

SECTION 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The court may sit in departments and in

banc, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Associate Justices to each department, and such assignment may be changed by him from time to time. The Associate Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves, or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes, and all questions arising therein, subject to the provisions hereinafter contained in relation to the court in banc. The presence of three justices shall be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the court to be heard and decided by the court in banc. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Associate Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four justices may, either before or after judgment by a department, order a case to be heard in banc. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Associate Justices. The Chief Justice may convene the court in banc at any time, and shall be the presiding justice of the court when so convened. The concurrence of four justices present at the argument shall be necessary to pronounce a judgment in banc; but if four justices, so present, do not concur in a judgment, then all the justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four judges shall be necessary. In the determination of causes, all decisions of the court, in banc or in departments, shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the justices assigned to each department shall select one of their number as presiding justice. In case of the absence of the Chief Justice from the place

at which the court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act.

Justices of Supreme Court, Election of

SECTION 3. The Chief Justice and the Associate Justices shall be elected by the qualified electors of the State at large at the general State elections, at the time and places at which State officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election; *provided*, that the six Associate Justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the court in bank, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. If a vacancy occur in the office of a justice, the Governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election, and the justice so elected shall hold the office for the remainder of the unexpired term. The first election of the justices shall be at the first general election after the adoption and ratification of this Constitution.

Jurisdiction of Supreme Court and District Courts of Appeal—Appellate Districts

SECTION 4. The Supreme Court shall have appellate jurisdiction on appeal from the Superior Courts in all cases in equity, except such as arise in Justices' Courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to two thousand dollars; also, in such probate matters as may be provided by law; also, on questions of law alone, in all criminal cases where judgment of death has been rendered; the said court shall also have appellate jurisdiction in all cases, matters, and proceedings pending before a District Court of Appeal which shall be ordered by the Supreme Court to be transferred to itself for hearing and decision, as hereinafter provided.

The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any District Court of Appeal, or before any judge thereof, or before any Superior Court in the State, or before any judge thereof.

The State is hereby divided into three appellate districts, in each of which there shall be a District Court of Appeal consisting of three justices. The first district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey, and San Benito.

The second district shall embrace the following counties: Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego.

The third district shall embrace the following counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine, and Mono.

The Supreme Court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

Said District Courts of Appeal shall hold their regular sessions respectively at San Francisco, Los Angeles, and Sacramento, and they shall always be open for the transaction of business.

The District Courts of Appeal shall have appellate jurisdiction on appeal from the Superior Courts in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and does not amount to two thousand dollars; also, in all cases of forcible and unlawful entry and detainer (except such as arise in Justices' Courts), in proceedings in insolvency, and in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, and prohibition, usurpation of office, contesting elections and eminent domain, and in such other special proceedings as may be provided by

law (excepting cases in which appellate jurisdiction is given to the Supreme Court); also, on questions of law alone, in all criminal cases prosecuted by indictment or information in a court of record, excepting criminal cases where judgment of death has been rendered. The said courts shall also have appellate jurisdiction in all cases, matters, and proceedings pending before the Supreme Court which shall be ordered by the Supreme Court to be transferred to a District Court of Appeal for hearing and decision. The said courts shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of their appellate jurisdiction. Each of the justices thereof shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the District Court of Appeal of his district, or before any Superior Court within his district, or before any judge thereof.

The Supreme Court shall have power to order any cause pending before the Supreme Court to be heard and determined by a District Court of Appeals, and to order any cause pending before a District Court of Appeal to be heard and determined by the Supreme Court. The order last mentioned may be made before judgment has been pronounced by a District Court of Appeal, or within thirty days after such judgment shall have become final therein. The judgments of the District Courts of Appeal shall become final therein upon the expiration of thirty days after the same shall have been pronounced.

The Supreme Court shall have power to order causes pending before a District Court of Appeal for one district to be transferred to the District Court of Appeal of another district for hearing and decision.

The Justices of the District Courts of Appeal shall be elected by the qualified electors within their respective districts at the general State elections at the times and places at which Justices of the Supreme Court are elected. Their terms of office and salaries shall be the same as those of Justices of the Supreme Court, and their salaries shall be paid by the State. Upon the ratification by the people of this amendment the Governor shall appoint nine persons to serve as Justices of the District Courts of Appeal until the first Monday after the first day of January in the year 1907; *provided*, that not more than six of said persons shall be members of the same political party. At the election in the year 1906 nine of such justices shall be elected as above provided,

and the justices of each District Court of Appeal shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve years; an entry of such classification shall be made in the minutes of the court, signed by the three justices thereof, and a duplicate thereof filed in the office of the Secretary of State. If any vacancy occur in the office of a Justice of the District Courts of Appeal, the Governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy; such election shall take place at the next succeeding general State election as aforesaid; the justice then elected shall hold the office for the unexpired term.

One of the justices of each of the District Courts of Appeal shall be the presiding justice thereof, and as such shall be appointed or elected as the case may be. The presence of three justices shall be necessary for the transaction of any business by such court, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment.

Whenever any Justice of the Supreme Court is for any reason disqualified or unable to act in a cause pending before it, the remaining justices may select one of the Justices of a District Court of Appeal to act pro tempore in the place of the justice so disqualified or unable to act.

Whenever any Justice of a District Court of Appeal is for any reason disqualified or unable to act in any cause pending before it, the Supreme Court may appoint a Justice of the District Court of Appeal of another district, or a Judge of a Superior Court who has not acted in the cause in the court below, to act pro tempore in the place of the justice so disqualified or unable to act.

No appeal taken to the Supreme Court or to a District Court of Appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

All statutes now in force allowing, providing for, or regulating appeals to the Supreme Court shall apply to appeals to the District Courts of Appeal so far as such statutes are not inconsistent with this article and until the Legislature shall otherwise provide.

The Supreme Court shall make and adopt rules not inconsistent with law for the government of the Supreme Court and of the District

Courts of Appeal and of the officers thereof, and for regulating the practice in said courts. [*Amendment adopted November 8, 1904.*]

Jurisdiction of Superior Court

SECTION 5. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for. And said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in Justices' and other inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

Superior Courts — Number — Organization — Terms of Office — Vacancies

SECTION 6. There shall be in each of the organized counties, or cities and counties, of the State, a Superior Court, for each of which at least one judge shall be elected by the qualified electors of the county, or city and county, at the general State election; *provided*, that until otherwise ordered by the Legislature, only one judge shall be elected for the counties of Yuba and Sutter, and that in the City and County

of San Francisco there shall be elected twelve Judges of the Superior Court, any one or more of whom may hold court. There may be as many sessions of said court, at the same time, as there are judges thereof. The said judges shall choose from their own number, a presiding judge, who may be removed at their pleasure. He shall distribute the business of the court among the judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the Superior Court held by any one or more of the judges of said courts, respectively, shall be equally effectual as if all the judges of said respective courts presided at such session. In each of the counties of Sacramento, San Joaquin, Los Angeles, Sonoma, Santa Clara, and Alameda, there shall be elected two such judges. The term of office of Judges of the Superior Courts shall be six years from and after the first Monday of January next succeeding their election; *provided*, that the twelve Judges of the Superior Court elected in the City and County of San Francisco, at the first election held under this Constitution, shall at their first meeting so classify themselves, by lot, that four of them shall go out of office at the end of two years, and four of them shall go out of office at the end of four years, and four of them shall go out of office at the end of six years, and an entry of such classification shall be made in the minutes of the court, signed by them, and a duplicate thereof filed in the office of the Secretary of State. The first election of Judges of the Superior Courts shall take place at the first general election held after the adoption and ratification of this Constitution. If a vacancy occur in the office of Judge of a Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

Superior Court Sessions

SECTION 7. In any county, or city and county, other than the City and County of San Francisco, in which there shall be more than one Judge of the Superior Court, the judges of such court may hold as many sessions of said court at the same time as there are judges thereof, and shall apportion the business among themselves as equally as may be.

Hedge Nettle

Superior Courts — Who may try Causes

SECTION 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause.

Leave of Absence cannot be Granted — Legislature may change Number of Judges

SECTION 9. The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office. The Legislature of the State may, at any time, two thirds of the members of the Senate and two thirds of the members of the Assembly voting therefor, increase or diminish the number of Judges of the Superior Court in any county, or city and county, in the State; *provided*, that no such reduction shall affect any judge who has been elected.

Removal of Judicial Officers

SECTION 10. Justices of the Supreme Court, and of the District Courts of Appeal, and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two thirds vote of each house. All other judicial officers, except Justices of the Peace, may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal. [*Amendment adopted November 8, 1904.*]

Justices of the Peace, Number and Powers

SECTION 11. The Legislature shall determine the number of Justices of the Peace to be elected in townships, incorporated cities and towns, or cities and counties, and shall fix by law the powers, duties,

and responsibilities of Justices of the Peace; *provided*, such powers shall not, in any case, trench upon the jurisdiction of the several courts of record, except that said justices shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.

Courts of Record

SECTION 12. The Supreme Court, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature shall prescribe, shall be courts of record. [*Amendment adopted November 8, 1904.*]

Jurisdiction of Inferior Courts

SECTION 13. The Legislature shall fix by law the jurisdiction of any inferior courts which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities of the judges thereof.

Clerks of Courts — Court Commissioners

SECTION 14. The Legislature shall provide for the election of a Clerk of the Supreme Court, and shall fix by law his duties and compensation, which compensation shall not be increased or diminished during the term for which he shall have been elected. The County Clerks shall be ex officio clerks of the courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment, by the several Superior Courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

Fees

SECTION 15. No judicial officer, except Justices of the Peace and Court Commissioners, shall receive to his own use any fees or perquisites of office.

Publication of Opinions of the Supreme Court

SECTION 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court and of the District Courts of Appeal as the Supreme Court may deem expedient, and all opinions shall be free for publication by any person. [*Amendment adopted November 8, 1904.*]

Salaries of Justices of the Supreme Court and District Courts of Appeal and of Judges of the Superior Courts

SECTION 17. The Justices of the Supreme Court and of the District Courts of Appeal, and the Judges of the Superior Courts, shall severally, at stated times during their continuance in office, receive for their service such compensation as is or shall be provided by law. The salaries of the Judges of the Superior Court, in all counties having but one judge, and in all counties in which the terms of the Judges of the Superior Court expire at the same time, shall not hereafter be increased or diminished after their election, nor during the term for which they shall have been elected. Upon the adoption of this amendment the salaries then established by law shall be paid uniformly to the justices and judges then in office. The salaries of the Justices of the Supreme Court and of the District Courts of Appeal shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; and the other half thereof shall be paid by the county for which he is elected. On and after the first day of January, A.D. one thousand nine hundred and seven, the Justices of the Supreme Court shall each receive an annual salary of eight thousand dollars, and the justices of the several District Courts of Appeal shall each receive an annual salary of seven thousand dollars; the said salaries to be payable monthly. [*Amendment adopted November 6, 1906.*]

Certain Justices and Judges not Eligible to Other than Judicial Offices — When

SECTION 18. The Justices of the Supreme Court, and of the District Courts of Appeal, and the Judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected. [*Amendment adopted November 8, 1904.*]

Charge to Juries

SECTION 19. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

Style of Process

SECTION 20. The style of process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

Supreme Court Reporter

SECTION 21. The Supreme Court may appoint a reporter and not more than three assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal. Each of the District Courts of Appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed. [*Amendment adopted November 8, 1904.*]

Judges not to practice Law

SECTION 22. No judge of a court of record shall practice law in any court of this State during his continuance in office.

Qualification of Judges

SECTION 23. No one shall be eligible to the office of a Justice of the Supreme Court, or of a District Court of Appeal, or of a Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State. [*Amendment adopted November 8, 1904.*]

Condition of Receiving Salary

SECTION 24. No Judge of the Supreme Court, nor of a District Court of Appeal, nor of a Superior Court, shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains

pending and undecided, that has been submitted for decision for a period of ninety days. In the determination of causes all decisions of the Supreme Court and of the District Courts of Appeal shall be given in writing, and the grounds of the decision shall be stated. When the Justices of a District Court of Appeal are unable to concur in a judgment, they shall give their several opinions in writing and cause copies thereof to be forwarded to the Supreme Court. [*Amendment adopted November 8, 1904.*]

Supreme Court Commission Abolished

SECTION 25. The present Supreme Court Commission shall be abolished at the expiration of its present term of office, and no Supreme Court Commission shall be created or provided for after January 1st, A.D. 1905. [*New section; adopted November 8, 1904.*]

ARTICLE VII

PARDONING POWER

Vested in Governor

SECTION 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of a felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court.

ARTICLE VIII

MILITIA

Organization of

SECTION 1. The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall, from time to time, direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

Flag of State Militia

SECTION 2. All military organizations provided for by this Constitution, or any law of this State, and receiving State support, shall, while under arms, either for ceremony or duty, carry no device, banner, or flag of any state or nation, except that of the United States or the State of California.

ARTICLE IX

EDUCATION

Encouragement of Education

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.

Superintendent of Public Instruction

SECTION 2. A Superintendent of Public Instruction shall, at each gubernatorial election after the adoption of this Constitution, be elected by the qualified electors of the State. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

County Superintendent of Schools

SECTION 3. A Superintendent of Schools for each county shall be elected by the qualified electors thereof at each gubernatorial election; *provided*, that the Legislature may authorize two or more counties to unite and elect one Superintendent for the counties so uniting.

State School Fund

SECTION 4. The proceeds of all lands that have been or may be granted by the United States to this State for the support of common schools, which may be, or may have been, sold or disposed of, and the five hundred thousand acres of land granted to the new states under an Act of Congress distributing the proceeds of the public lands among the several states of the Union, approved A.D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted, or may have been granted, by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

Common Schools, System of

SECTION 5. The Legislature shall provide for a system of common schools, by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

Public School System, and Tax

SECTION 6. The public school system shall include day and evening elementary schools, and such day and evening secondary schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State school fund and from the general State school tax shall be applied exclusively to the support of day and evening elementary schools; but the Legislature may authorize and cause to be levied a special State school tax for the support of day and evening secondary schools and technical schools, or either of such schools, included in the public school system, and all revenue derived from such

special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied. [*Amendment adopted November 3, 1908.*]

State Board of Education — Text-books — County Boards of Education

SECTION 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the Professor of Pedagogy therein, and the Principals of the State Normal Schools shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt, a uniform series of text-books for use in the common schools throughout the State. The State Board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and, when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years; and said State Board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a Board of Education in each county in the State. The County Superintendents and the County Boards of Education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [*Amendment adopted November 6, 1894.*]

Sectarian Schools — Appropriating Money for, Prohibited

SECTION 8. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.

University of California

SECTION 9. The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the Organic Act creating the same, passed March twenty-third, eighteen hundred and sixty-eight (and the several Acts amendatory thereof), subject only to such legislative control as may be necessary to insure compliance with the terms

of its endowments and the proper investment and security of its funds. It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its regents, and in the administration of its affairs; *provided*, that all the moneys derived from the sale of the public lands donated to this State by Act of Congress, approved July second, eighteen hundred and sixty-two (and the several Acts amendatory thereof), shall be invested as provided by said Acts of Congress, and the interest of said moneys shall be inviolably appropriated to the endowment, support, and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and the mechanic arts, in accordance with the requirements and conditions of said Acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. No person shall be debarred admission to any of the collegiate departments of the University on account of sex.

Leland Stanford Junior University

SECTION 10. The trusts and estates created for the founding, endowment, and maintenance of the Leland Stanford Junior University, under and in accordance with "An Act to advance learning, etc.," approved March ninth, eighteen hundred and eighty-five, by the endowment grant executed by Leland Standford and Jane Lathrop Stanford on the eleventh day of November, A.D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three *et seq.*, records of Santa Clara County, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved, and confirmed. The board of trustees of the Leland Stanford Junior University, as such, or in the name of the institution, or by other intelligible designation of the trustees or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the trustees of the Leland Stanford Junior University upon the trusts provided for in the

grant founding the university, and amendments thereof, and grants, bequests, and devises supplementary thereto. The Legislature, by special Act, may grant to the trustees of the Leland Stanford Junior University corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance, or benefit of the Leland Stanford Junior University, or of any department thereof, may be exempted by special Act from State taxation, and all personal property so held, the Palo Alto farm as described in the endowment grant to the trustees of the university, and all other real property so held and used by the university for educational purposes exclusively, may be similarly exempted from county and municipal taxation; *provided*, that residents of California shall be charged no fees for tuition unless such fees be authorized by Act of the Legislature. [*New section; adopted November 6, 1900.*]

California School of Mechanical Arts

SECTION 11. All property now or hereafter belonging to "The California School of Mechanical Arts," an institution founded and endowed by the late James Lick to educate males and females in the practical arts of life, and incorporated under the laws of the State of California, November twenty-third, eighteen hundred and eighty-five, having its school buildings located in the City and County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section; adopted November 6, 1900.*]

California Academy of Sciences

SECTION 12. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick, and incorporated under the laws of the State of California, January sixteenth, eighteen hundred and seventy-one, having its buildings located in the City and County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section; adopted November 8, 1904.*]

Cogswell Polytechnical College

SECTION 13. All property now or hereafter belonging to the Cogswell Polytechnical College, an institution for the advancement of learning, incorporated under the laws of the State of California, and having its buildings located in the City and County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section; adopted November 6, 1906.*]

ARTICLE X

STATE INSTITUTIONS AND PUBLIC BUILDINGS

Prison Directors, Appointment and Term of Office

SECTION 1. There shall be a State Board of Prison Directors, to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy occurring before the expiration of a term shall hold office only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

Powers and Duties

SECTION 2. The board of directors shall have the charge and superintendence of the State prisons, and shall possess such powers and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe.

Prison Officers

SECTION 3. The board shall appoint the warden and clerk, and determine the other necessary officers of the prisons. The board shall have power to remove the wardens and clerks for misconduct, incompetency, or neglect of duty. All other officers and employés of the prisons shall be appointed by the warden thereof, and be removed at his pleasure.

Compensation of Prison Directors

SECTION 4. The members of the board shall receive no compensation, other than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the Legislature may direct.

Powers and Duties of Board of Directors and Officers

SECTION 5. The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the board, wardens, and clerks, and to carry into effect the provisions of this article.

Convict Labor

SECTION 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, co-partnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

ARTICLE XI

COUNTIES, CITIES, AND TOWNS

Existing Counties Recognized

SECTION 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

County Seat — Removal of

SECTION 2. No county seat shall be removed unless two thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

New Counties

SECTION 3. The Legislature, by general and uniform laws, may provide for the formation of new counties; *provided, however*, that no new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be

divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken. [*Amendment adopted November 6, 1894.*]

County Government and Township Organization

SECTION 4. The Legislature shall establish a system of county governments, which shall be uniform throughout the State; and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted, in the manner prescribed by such general laws.

County and Township Officers, Juries, and Compensation

SECTION 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and may also establish fees to be charged and collected by such officers for services performed in their respective offices, in the manner and for the uses provided by law, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made; such compensation, however, shall not, in any class, exceed the sum of three dollars per day and mileage. [*Amendment adopted November 3, 1908.*]

Municipal Corporations

SECTION 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for

the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities and towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, except in municipal affairs, shall be subject to and controlled by general laws. [*Amendment adopted November 3, 1896.*]

Consolidation of City and County Governments

SECTION 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government. [*Amendment adopted November 6, 1894.*]

Charters of Cities and Amendments Thereto

SECTION 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution (or, having framed such a charter, may frame a new one), by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within thirty days after such publication it shall be submitted to the qualified electors of

said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter (whether framed under the provisions of this section of the Constitution or not), and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of such charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. Whenever fifteen per cent of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [*Amendment adopted November 6, 1906.*]

Charters of Cities, What may Provide

SECTION 8½. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this Constitution, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State, as follows:

1. For the constitution, regulation, government, and jurisdiction of Police Courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the compensation of said judges and of their clerks and attachés.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, and the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards, and of their clerks and attachés; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent in any charter framed under said section eight of said article eleven, to provide for the manner in which, the times at which, and the terms for which the several county officers shall be elected or appointed, for their compensation, and for the number of deputies that each shall have, and for the compensation payable to each of such deputies. [*New section; adopted November 3, 1896.*]

Compensation and Term of Officers not to be increased, When

SECTION 9. The compensation of any county, city, town, or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

Not to be released from Taxes

SECTION 10. No county, city, town, or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

Local Laws

SECTION 11. Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

Legislature not to impose Taxes On

SECTION 12. The Legislature shall have no power to impose taxes upon counties, cities, towns, or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

Municipal Power not granted by Legislature

SECTION 13. The Legislature shall not delegate to any special commission, private corporation, company, association, or individual, any power to make, control, appropriate, supervise, or in any way interfere with any county, city, town, or municipal improvement, money property, or effects, whether held in trust or otherwise, or to levy taxes or assessments, or perform any municipal functions whatever.

State, County, and Municipal Bonds

SECTION 13½. Nothing in this Constitution contained shall be construed as prohibiting the State or any county, city and county, city, town, municipality, or other public corporation, issuing bonds under the laws of the State, to make said bonds payable at any place within the United States designated in said bonds. [*New section; adopted November 6, 1906.*]

Local Inspection Officers

SECTION 14. No State office shall be continued or created in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers.

Private Property not to be sold for Corporate Debt

SECTION 15. Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

Moneys to be immediately deposited with Treasurer

SECTION 16. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depositary, to the credit of such city, town, or other corporation, respectively, for the benefit of the funds to which they respectively belong.

Deposit of Moneys belonging to State, County or Municipality

SECTION 16½. All moneys belonging to the State, or to any county or municipality within this State, may be deposited in any national bank or banks within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by law; *provided*, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this State or of any county, municipality or school district within this State, to be approved by the officer or officers designated by law, to an amount in value of at least ten per cent in excess of the amount of such deposit; *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited; *and provided*, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depository bank or banks; *and provided further*, that no officer shall deposit at one time more than twenty per cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits. [*New section; adopted November 6, 1906.*]

Public Funds not to be used for Private Profit

SECTION 17. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

Annual Debt not to exceed Annual Income — Exceptions

SECTION 18. No county, city, town, township, board of education, or school districts, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue

provided for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided, however*, that the City and County of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of five per cent per annum, for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, forty-fourth, and fiftieth fiscal years, and for unpaid teacher's salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; *and provided further*, that the City of Vallejo, of Solano County, may pay its existing indebtedness incurred in the construction of its waterworks whenever two thirds of the electors thereof voting at an election held for that purpose shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void. [*Amendment adopted November 6, 1900.*]

Section 18 amended by adding the following, adopted November 6, 1906: The City and County of San Francisco, the City of San José and the Town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred, by it, to commence at a time after the incurring of such indebtedness of not more than a period of one fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void.

Use of Streets for Gas and Water Pipes

SECTION 19. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall,

under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof. [*Amendment adopted November 4, 1884.*]

ARTICLE XII

CORPORATIONS

Corporations, how Formed

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act. All laws now in force in this State concerning corporations, and all laws that may be hereafter passed pursuant to this section, may be altered from time to time or repealed.

Corporations, Dues from

SECTION 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

Corporation Stockholders and Directors, Liability of

SECTION 3. Each stockholder of a corporation, or joint-stock association, shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred, during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock, or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association, during the term of office of such director or trustee.

Nothing in the preceding paragraph of this section shall be held to apply to any exposition company organized to promote and carry on any international exposition or world's fair within the State of Cali-

fornia, and the liability of stockholders in any such exposition company shall be and the same is hereby limited to an amount not exceeding the par value of the stock of said corporation subscribed for by such stockholders. [*Amendment adopted November 3, 1908.*]

Corporations, What they Include

SECTION 4. The term corporations, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and be subject to be sued, in all courts, in like cases as natural persons.

Banking Corporations

SECTION 5. The Legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

Existing Charters, Invalid in Certain Cases

SECTION 6. All existing charters, grants, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Franchises or Charters not to be extended by Legislature — Extension of Corporate Existence

SECTION 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any quasi-public corporation now existing or which shall hereafter exist under the laws of this State. The term of existence of any other corporation now or hereafter existing under the laws of this State, may be extended, at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years from the date of such extension, by the vote or written consent of stockholders representing two thirds of its capital stock or of two thirds of the members thereof. A certificate of such vote or consent shall be signed and sworn to by the president and secretary, and by a majority of the directors of the corporation

and filed and certified in the manner and upon payment of fees required by law for filing and certifying articles of incorporation, and thereupon the term of corporation shall be extended for the period specified in such certificate, and such corporation shall thereafter pay all annual or other fees required by law to be paid by corporations. [*Amendment adopted November 3, 1908.*]

Corporate Property subject to Eminent Domain

SECTION 8. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals; and the exercise of the police power of the State shall never be so abridged or construed as to permit corporations to conduct their business in such manner as to infringe the rights of individuals or the general well-being of the State.

Limitation on Business of Corporations

SECTION 9. No corporation shall engage in any business other than that expressly authorized in its charter or the law under which it may have been or may hereafter be organized; nor shall it hold for a longer period than five years any real estate, except such as may be necessary for carrying on its business.

Liabilities not released by Transfer of Franchise

SECTION 10. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

Issuance of Stock

SECTION 11. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, at a meeting called for that purpose, giving sixty days' public notice, as may be provided by law.

Elections for Directors

SECTION 12. In all elections for directors or managers of corporations every stockholder shall have the right to vote, in person or by proxy, the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner, except that members of coöperative societies formed for agricultural, mercantile, and manufacturing purposes may vote on all questions affecting such societies in manner prescribed by law.

State Credit not to be Loaned

SECTION 13. The State shall not, in any manner, loan its credit, nor shall it subscribe to or be interested in the stock of any company, association, or corporation.

Corporations must maintain a Place of Business

SECTION 14. Every corporation other than religious, educational, or benevolent, organized or doing business in this State, shall have and maintain an office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for inspection by every person having an interest therein, and legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them, respectively; the amount of stock paid in, and by whom; the transfers of stock; the amount of its assets and liabilities, and the names and places of residence of its officers.

Foreign Corporations

SECTION 15. No corporation organized outside the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

Corporations may be sued, Where

SECTION 16. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the

obligation or liability arises or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial, as in other cases.

Common Carriers

SECTION 17. All railroad, canal, and other transportation companies are declared to be common carriers, and subject to legislative control. Any association or corporation, organized for the purpose under the laws of this State, shall have the right to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

Limit on Interest of an Officer or Agent

SECTION 18. No president, director, officer, agent, or employé of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

Public Officers not to receive Passes

SECTION 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State; and the acceptance of any such pass or ticket by a member of the Legislature, or any public officer, other than Railroad Commissioner, shall work a forfeiture of his office.

Earnings not to be shared — Rates not to be Increased

SECTION 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or

freight from one point to another, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

Discrimination Forbidden

SECTION 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming from or going to any other State. Persons and property transported over any railroad, or by any other transportation company or individual shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port, or landing. Excursion and commutation tickets may be issued at special rates.

Railroad Commissioners — Number, Election, Term, Qualifications, Powers and Duties, how removed from Office

SECTION 22. The State shall be divided into three districts as nearly equal in population as practicable, in each of which one Railroad Commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years, commencing on the first Monday after the first day of January next succeeding their election. Said Commissioners shall be qualified electors of this State and of the district from which they are elected, and shall not be interested in any railroad corporation, or other transportation company, as stockholder, creditor, agent, attorney, or employé; and the act of a majority of said Commissioners shall be deemed the act of said Commission. Said Commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time, with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have power to issue subpœnas and all other necessary process; to hear and determine complaints against railroad and other transportation companies, to send for persons and papers, to administer oaths, take testimony, and punish for

contempt of their orders and processes, in the same manner and to the same extent as courts of record, and enforce their decisions and correct abuses through the medium of the courts. Said Commissioners shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such Commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the Commission, shall be fined not exceeding twenty thousand dollars for each offense; and every officer, agent, or employé of any such corporation or company, who shall demand or receive rates in excess thereof, or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said Commission shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damage, may, in the discretion of the judge or jury, recover exemplary damages. Said Commission shall report to the Governor, annually, their proceedings, and such other facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions against any of such companies. The Legislature may, in addition to any penalties herein prescribed, enforce this article by forfeiture of charter or otherwise, and may confer such further powers on the Commissioners as shall be necessary, to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power, by a two-thirds vote of all the members elected to each house, to remove any one or more of said Commissioners from office, for dereliction of duty, or corruption, or incompetency; and whenever, from any cause, a vacancy in office shall occur in said commission, the Governor shall fill the same by the appointment of a qualified person thereto, who shall hold office for the residue of the unexpired term, and until his successor shall have been elected and qualified.

Railroad Districts

SECTION 23. Until the Legislature shall district the State, the following shall be the railroad districts: The First District shall be composed of the counties of Alpine, Amador, Butte, Calaveras, Colusa,

Del Norte, El Dorado, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba, from which one Railroad Commissioner shall be elected. The Second District shall be composed of the counties of Marin, San Francisco, and San Mateo, from which one Railroad Commissioner shall be elected. The Third District shall be composed of the counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, from which one Railroad Commissioner shall be elected.

Legislature to enforce this Article

SECTION 24. The Legislature shall pass all laws necessary for the enforcement of the provisions of this article.

ARTICLE XIII

REVENUE AND TAXATION

Property to be taxed according to Value — Exemptions

SECTION 1. All property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State. [*Amendment adopted November 6, 1894.*]

Churches exempt from Taxation

SECTION 1½. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclu-

sively for religious worship, shall be free from taxation ; *provided*, that no building so used which may be rented, for religious purposes and rent received by the owner therefor, shall be exempt from taxation. [*New section ; adopted November 6, 1900.*]

State, County, City and District Bonds exempt from Taxation

SECTION 1¾. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation districts) within said State, shall be free and exempt from taxation. [*New section ; adopted November 4, 1902.*]

Assessment and Improvements to be separately Assessed

SECTION 2. Land, and the improvements thereon, shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

Assessment of Tracts of Land

SECTION 3. Every tract of land containing more than six hundred and forty acres, and which has been sectionized by the United States Government, shall be assessed, for the purposes of taxation, by sections or fractions of sections. The Legislature shall provide by law for the assessment, in small tracts, of all lands not sectionized by the United States Government.

Taxation of Mortgages and Securities

SECTION 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the prop-

erty affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment, a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

Contract to pay Tax on Borrowed Money, Void

SECTION 5. [*Repealed November 6, 1906.*]

Power of Taxation not to be Impaired

SECTION 6. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State shall be a party

Payment of Taxes by Installments

SECTION 7. The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

Taxpayer to make Statement to County Assessor

SECTION 8. The Legislature shall by law require each taxpayer in this State to make and deliver to the County Assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian on the first Monday of March.

State and County Boards of Equalization

SECTION 9. A State Board of Equalization, consisting of one member from each congressional district in this State, as the same existed in eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex officio a member of the

board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe as to county assessments, and under such rules of notice as the State Board may prescribe as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; *provided*, that no Board of Equalization shall raise any mortgage, deed of trust, contract or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts, as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization. [*Amendment adopted November 4, 1884.*]

Property, where and by whom Assessed

SECTION 10. All property, except as hereinafter in this section provided, shall be assessed in the county, city, city and county, town, township, or district in which it is situated, in the manner prescribed by law. The franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this State shall be assessed by the State Board of Equalization at their actual value, and the same shall be apportioned to the counties, cities and counties, cities, towns, townships, and districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities and counties, cities, towns, townships, and districts.

Personal Property exempt from Taxation

SECTION 10½. The personal property of every householder to the amount of one hundred dollars, the articles to be selected by each householder, shall be exempt from taxation. [*New section; adopted November 8, 1904.*]

Income Taxes

SECTION 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

Poll Tax

SECTION 12. The Legislature shall provide for the levy and collection of an annual poll tax, of not less than two dollars, on every male inhabitant of this State over twenty-one and under sixty years of age, except paupers, idiots, insane persons, and Indians not taxed. Said tax shall be paid into the State school fund.

Young Trees and Vines Exempt from Taxation

SECTION 12¾. Fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, shall be exempt from taxation, and nothing in this article shall be construed as subjecting such trees and grapevines to taxation. [*New section; adopted November 6, 1894.*]

Legislature to Pass Laws to enforce Taxation

SECTION 13. The Legislature shall pass all laws necessary to carry out the provisions of this article.

ARTICLE XIV

WATER AND WATER RIGHTS

Subject to Control of State

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; *provided*, that the rates or compensation to be collected by any person, company, or corporation in this State for the use of water supplied to any city and county, or city, or town, or the inhabitants thereof, shall be fixed,

annually, by the Board of Supervisors, or City and County, or City, or Town Council, or other governing body of such city and county, or city, or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time, shall be subject to peremptory process to compel action, at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company, or corporation collecting water rates in any city and county, or city, or town in this State, otherwise than as so established, shall forfeit the franchises and waterworks of such person, company, or corporation to the city and county, or city, or town, where the same are collected, for the public use.

Right to collect Rates is a Franchise

SECTION 2. The right to collect rates or compensation for the use of waters supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner prescribed by law.

ARTICLE XV

HARBOR FRONTAGE, ETC.

Right of the State to Frontage

SECTION 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

Access to Navigable Waters

SECTION 2. No individual, partnership, or corporation, claiming or possessing the frontage of tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construc-

tion to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

Tide Lands

SECTION 3. All tide lands within two miles of any incorporated city or town of this State, and fronting on the waters of any harbor, estuary, bay, or inlet, used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

ARTICLE XVI

STATE INDEBTEDNESS

Liability exceeding $300,000, *how Created*

SECTION 1. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within seventy-five years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged, and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one fourth of the time of maturity of such debt or liability; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same. [*Amendment adopted November 3, 1908.*]

ARTICLE XVII

Land and Homestead Exemption

Homestead Exemption

Section 1. The Legislature shall protect, by law, from forced sale, a certain portion of the homestead and other property of all heads of families.

Large Land Holdings Discouraged

Section 2. The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

State Lands granted only to Actual Settlers

Section 3. Lands belonging to this State, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.

ARTICLE XVIII

Amending and Revising the Constitution

Amendments, how Made

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if two thirds of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their journals, with the yeas and nays taken thereon; and it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of this Constitution.

Revision, Convention for

SECTION 2. Whenever two thirds of the members elected to each branch of the Legislature shall deem it necessary to revise this Constitution, they shall recommend to the electors to vote, at the next general election, for or against a convention for that purpose, and if a majority of the electors voting at such election on the proposition for a convention shall vote in favor thereof, the Legislature shall, at its next session, provide by law for calling the same. The convention shall consist of a number of delegates not to exceed that of both branches of the Legislature, who shall be chosen in the same manner, and have the same qualifications, as members of the Legislature. The delegates so elected shall meet within three months after their election, at such place as the Legislature may direct. At a special election to be provided for by law, the Constitution that may be agreed upon by such convention shall be submitted to the people for their ratification or rejection, in such manner as the convention may determine. The returns of such election shall, in such manner as the convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the returns so certified to him; and it shall be the duty of the Executive to declare, by his proclamation, such Constitution as may have been ratified by a majority of all the votes cast at such special election, to be the Constitution of the State of California.

ARTICLE XIX

CHINESE

Protection against Undesirable Aliens

SECTION 1. The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which such persons may reside in the State, and to provide the means and mode of their removal from the State, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to

impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary.

Corporations not to employ Chinese

SECTION 2. No corporation now existing or hereafter formed under the laws of this State shall, after the adoption of this Constitution, employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.

NOTE. — SECTION 2. The provisions of this section held to be in conflict with the U. S. Constitution, and therefore void. *In re Parrott*, 5 Pac. Coast Law Journal, p. 161.

No Chinese to be employed on Public Work

SECTION 3. No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

Chinese Immigration to be Discouraged

SECTION 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation.

ARTICLE XX

MISCELLANEOUS SUBJECTS

Capital of the State — how Changed

SECTION 1. The City of Sacramento is hereby declared to be the seat of government of this State, and shall so remain until changed by

law; but no law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two thirds vote of each house, may provide, submitting the question of change to the people.

Disqualification and Disfranchisement for Dueling

SECTION 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a fuel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

Oath of Office

SECTION 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ——— according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

Officers or Commissioners, Election or Appointment of

SECTION 4. All officers or commissioners whose election or appointment is not provided for by this Constitution, and all officers or commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

Fiscal Year

SECTION 5. The fiscal year shall commence on the first day of July.

Suits against the State

SECTION 6. Suits may be brought against the State in such manner and in such courts as shall be directed by law.

Marriage Contracts

SECTION 7. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

Separate Property of Husband and Wife

SECTION 8. All property, real and personal, owned by either husband or wife, before marriage, and that acquired by either of them afterwards by gift, devise, or descent, shall be their separate property.

Perpetuities

SECTION 9. No perpetuities shall be allowed except for eleemosynary purposes.

Disqualification for Bribery

SECTION 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Purity in Office-holding and in Elections

SECTION 11. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

Residence, when Absence does not Affect

SECTION 12. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

Election by Plurality

SECTION 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

State Board of Health

SECTION 14. The Legislature shall provide, by law, for the maintenance and efficiency of a State Board of Health.

Mechanic's Lien

SECTION 15. Mechanics, materialmen, artisans, and laborers of every class shall have a lien upon the property upon which they have bestowed labor or furnished material, for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

Term of Offices, when not fixed by Constitution

SECTION 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; *provided, however*, that in the case of any officer or employé of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employé shall control. [*Amendment adopted November 6, 1906.*]

Hours of Labor on Public Works

SECTION 17. The time of service of all laborers or workmen or mechanics employed upon any public works of the State of California, or of any county, city and county, city, town, district, township, or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, or except to work upon public, military, or naval works or defenses in time of war, and the Legislature shall provide by law that a stipulation to this effect shall be incorporated in all contracts for public work, and prescribe proper penalties for the speedy and efficient enforcement of said law. [*Amendment adopted November 4, 1902.*]

Sex does not disqualify for Business Pursuits

SECTION 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession.

Expenses of Constitutional Convention

SECTION 19. Nothing in this Constitution shall prevent the Legislature from providing. by law, for the payment of the expenses of the convention framing this Constitution, including the per diem of the delegates for the full term thereof.

Elections, when held — Terms of Office

SECTION 20. Elections of the officers provided for by this Constitution, except at the election in the year eighteen hundred and seventy-nine, shall be held on the even-numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

ARTICLE XXI

BOUNDARY

Boundary of State

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast.

ARTICLE XXII

SCHEDULE

That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

Present Laws in Force

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon the adoption thereof, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in full force until the first day of July, eighteen hundred and eighty, unless sooner altered or repealed by the Legislature.

Existing Obligations and Actions Unaffected

SECTION 2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to this State, or to any subdivision thereof, or any municipality therein, and all fines, taxes, penalties, and forfeitures due or owing to this State, or any subdivision or municipality thereof, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments or informations which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

Certain Existing Courts Abolished

SECTION 3. All courts now existing, save Justices' and Police Courts, are hereby abolished; and all records, books, papers, and proceedings from such courts, as are abolished by this Constitution, shall be transferred, on the first day of January, eighteen hundred and eighty, to the courts provided for in this Constitution; and the courts to which

the same are thus transferred shall have the same power and jurisdiction over them as if they had been in the first instance commenced, filed, or lodged therein.

Printing of Constitution and Proclamation of Election Therefor

SECTION 4. The Superintendent of Printing of the State of California shall, at least thirty days before the first Wednesday in May, A.D. eighteen hundred and seventy-nine, cause to be printed at the State Printing Office, in pamphlet form, simply stitched, as many copies of this Constitution as there are registered voters in this State, and mail one copy thereof to the post office address of each registered voter; *provided*, any copies not called for ten days after reaching their delivery office shall be subject to general distribution by the several postmasters of the State. The Governor shall issue his proclamation, giving notice of the election for the adoption or rejection of this Constitution, at least thirty days before the said first Wednesday of May, eighteen hundred and seventy-nine, and the Boards of Supervisors of the several counties shall cause said proclamation to be made public in their respective counties, and general notice of said election to be given at least fifteen days next before said election.

Ballots for voting on Constitution

SECTION 5. The Superintendent of Printing of the State of California shall, at least twenty days before said election, cause to be printed and delivered to the Clerk of each county in this State five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "For the New Constitution." He shall likewise cause to be so printed and delivered to said Clerks five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "Against the New Constitution." The Secretary of State is hereby authorized and required to furnish the Superintendent of State Printing a sufficient quantity of legal ballot paper, now on hand, to carry out the provisions of this section.

County Clerks to provide Poll Books, etc.

SECTION 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the

inspectors of election, at each election precinct or polling place in their respective counties, suitable registers, poll books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; *provided*, that the duties in this and the preceding section imposed upon the Clerks of the respective counties shall, in the City and County of San Francisco, be performed by the Registrar of Voters for said city and county.

Who entitled to Vote

SECTION 7. Every citizen of the United States, entitled by law to vote for members of the Assembly in this State, shall be entitled to vote for the adoption or rejection of this Constitution.

Returns, how Canvassed

SECTION 8. The officers of the several counties of this State, whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the City and County of San Francisco, shall meet at the usual places of meeting for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from time to time until all the returns are received, or until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings of said board shall be the same as those prescribed for like boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said boards shall immediately certify the same in the usual form, to the Governor of the State of California.

Computation of Returns and Proclamation Thereof

SECTION 9. The Governor of the State of California shall, as soon as the returns of said election shall be received by him, or within thirty days after said election, in the presence and with the assistance of the

Controller, Treasurer, and Secretary of State, open and compute all the returns received of votes cast for and against the new Constitution. If, by such examination and computation, it is ascertained that a majority of the whole number of votes cast at such election is in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California, and that it shall take effect and be in force on the days hereinafter specified.

Terms of Officers first Elected

SECTION 10. In order that future elections in this State shall conform to the requirements of this Constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this Constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen after the adoption of this Constitution shall be elected at the time and in the manner now provided by law. Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that State officers are elected.

Laws relating to Judicial System

SECTION 11. All laws relative to the present judicial system of the State shall be applicable to the judicial system created by this Constitution until changed by legislation.

Constitution, when to take Effect

SECTION 12. This Constitution shall take effect and be in force on and after the fourth day of July, eighteen hundred and seventy-nine, at twelve o'clock meridian, so far as the same relates to the election of all officers, the commencement of their terms of office, and the meeting of the Legislature. In all other respects, and for all other purposes, this Constitution shall take effect on the first day of January, eighteen hundred and eighty, at twelve o'clock meridian.

J. P. HODGE, President.

Attest: EDWIN F. SMITH, Secretary.

U. S. Training Ship *Independence*, Mare Island, Cal.
"In time of peace prepare for war."

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It is a good thing to be a good half-back, but it is a mighty bad thing if at forty all you can say of a man is that he was a good half-back.

— THEODORE ROOSEVELT.